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REPORTS

FROM

COMMISSIONERS:

SIXTEEN VOLUMES.

—(4.)—

CORPORATIONS, ENGLAND AND WALES:

APPENDIX, PART II.

Session

19 *February* —— 10 *September* 1835.

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N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

CORPORATIONS (ENGLAND and WALES):

116. APPENDIX to the FIRST REPORT of the COMMISSIONERS, PART II. —(SOUTH-EASTERN and SOUTHERN CIRCUITS) - - - p. 1

MUNICIPAL CORPORATIONS,
(ENGLAND AND WALES.)

APPENDIX

TO THE FIRST

REPORT

OF THE

COMMISSIONERS.

PART II.

SOUTH-EASTERN AND SOUTHERN CIRCUITS.

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1835.

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ON

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(SUSSEX.)

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CORPORATION OF ARUNDEL.

1. THE following communication from the Mayor of Arundel is prefixed to this Report, in consequence of the statement in it, that no information, beyond the answers to some printed questions which had been sent by the Commissioners, would be given by the corporation, without an assurance that their protest should be entered upon the proceedings of the Commissioners. Protest of the Corporation.

" The Mayor of Arundel presents his compliments to Mr. Ellis and Mr. Maude, and begs to state, that their communication to him, under date of the 7th instant, reached him on the 9th instant; that thereupon he procured a meeting of the corporation, and has in consequence to report, that the corporation are anxious to avoid all disrespect, or appearance of disrespect, to His Majesty's Commission, and most anxious to disclose any thing relating to their body before any tribunal competent on the occasion; that any resistance to this Commission, which may be thought to exist in the corporation in any course they may pursue, will arise on no other ground than the desire of the corporation not to afford an example of submission to an exercise of the prerogative, which they are advised is illegal, and which they think would be dangerous to the liberty of the subject if drawn into precedent.

" In the mean time, the corporation have directed me to apprize you, that the corporation of Arundel is a corporation by prescription, repeatedly acknowledged as such in courts of law, and its right and duty to withhold communications respecting the privileges, documents or records belonging to the corporation, have been confirmed to them by the King in his Court of King's Bench.

" That the scandalous petition presented to the Honourable House of Commons by some of the inhabitants of this borough, some of whom were most grossly deceived as to the nature of the petition, and others for vain and selfish motives chose to violate the truth, should tend to induce the corporation to resist this investigation, and especially as legal punishment cannot follow false representations therein, and to forbid altogether the inspection of their documents; and yet more especially so, as the corporation (aware of the illegality of, and the great objection to the Commission without the aid of Parliament) prayed of the House of Commons, in answer to the aforenamed petition, for efficient laws to be enacted, 'to bring the truth to light, and the offenders to a sense of justice, so that the country was not thereby burthened, or such like slanderous petitions sanctioned at the public charge.'

" The uniformly acknowledged principle and proofs in history, that the corporations of this kingdom were the faithful guardians of the most valuable rights of the subject, as well against the intrusion of the aristocracy of the kingdom as the yet more dangerous attempts, as formerly, if not treasonably exercised by the Crown towards the people, would also urge the corporation to dissent to the aiding of this investigation, inasmuch as it is in violation of the Bill of Rights, an intrusion on the rights of Englishmen, and tending to encourage false representations, by the administration of irresponsible oaths. Yet in opposition to these powerful reasons exists the most anxious desire of the corporation to be obedient to its Sovereign and useful to the nation in these times of increasing perplexity; with these deep and overpowering reasons, the corporation have answered the queries sent to the mayor, and have come to the resolution of permitting all their records and accounts to be inspected, reserving only, in order to show alike their desire of protecting the rights of the subject as their obedience to the wishes of their Sovereign, such deeds as concern the title to their estates. But before any further communication be made by the corporation, they expect that this their protest to the legality of this Commission, will be entered by the Commissioners in their proceedings under it here. Without an assurance that this will be done, the corporation will decline any further communication, except the inclosed answers to the queries transmitted, and that the records of the corporation are inclosed in a strong box, of which there are three keys, kept respectively by the mayor and two senior burgesses, whose united presence is necessary to the inspection of the records. This precaution has been adopted and continued from the introduction of a member about the year 1810, for potent reasons, then and from thence and now existing.

" Signed by the Mayor."

" To Messrs. Ellis & Maude, &c."

The corporation did not in the first instance refuse me an inspection of the books and papers in their common chest, with the exception of one or two packets, which, the mayor informed me, contained their title deeds, and those they would not allow me to see. During the inquiry a question arose upon a particular subject, upon which the senior alderman refused to allow me to refer to one of the books. This, and the reason given for it, will be noticed in Section 20.

ARUNDEL.

There being no common hall in the town, I proposed holding the inquiry in a large room at one of the inns. I informed the mayor and some of the burgesses of this, and stated to them that I should not exclude any one who wished to be present. As no member of the corporation attended at the opening of the inquiry, I sent a note to each of them requesting his attendance. I received an answer from the mayor, stating that the corporation were then at his house and willing to afford me any information I might wish, and that they would wait one hour for that purpose. I received an answer also from the senior alderman to nearly the same effect, who, after alluding to persons who had signed a Petition to the House of Commons, offered to attend me "in the presence of newspaper reporters, or other persons collected on the occasion, save the libellers in question, and those other persons who were greatly instrumental in producing the Petition." Upon receiving these answers I proposed to the persons assembled, either that those who had signed the petition should withdraw, and that the members of the corporation should be invited to attend, after which the former should have the opportunity of giving any information or explanation upon the evidence received; or, if they declined doing so, that I would first receive the information of the members of the corporation, and afterwards that of the inhabitants generally. The latter plan was adopted at the request of the persons present. The consequence of this was, that neither party heard the evidence given by the other, and although I afterwards gave both the opportunity of knowing and explaining those statements, in which there was much difference between them, still there was less opportunity for ascertaining the truth upon several questions, than there would have been if each party had attended the whole examination. I was not allowed to take any of the books of the corporation from the mayor's house, and was on this account prevented from receiving such full information, as I might probably have done, on three of the subjects, upon which the inhabitants felt the most interest, the nature of the church rate payment, the origin of the bridge rate, and the title of the corporation to the estate, called the Burgesses' Brooks.

Limits of the Borough.

2. The Borough and Parish of Arundel are co-extensive. They take in the whole of the town and an agricultural area, the greater part of which forms the park and domains of the castle.

Honour of Arundel.

3. The whole of the borough is comprised within the Honour of Arundel, of which the possessor of the castle is the lord. There seem to have been, at various times, disputes between the corporation and the lord as to their respective rights and privileges. The following extract from the pleas of the Crown in the time of Edward I. was cited as a proof, that in early times the corporation acknowledged that they held their borough under the lord. "Burgenses dicunt, quod ipsi nullam libertatem clamant, nisi per prædictum Ricardum, et antecessores ejus." Some members of the corporation thought that the waste land of the borough originally belonged to the corporation, but admitted that the lord had for a great number of years exercised so many acts of ownership, as would probably defeat any attempt by that body to assert a claim to it.

Court Leet.

The Court Leet of the lord is held annually, on the Tuesday after Michaelmas day, before the steward. It was not known what situation the mayor holds in this court, nor whether his presence is necessary. He does always attend. He also returns the jury of the court on the precept of the lord. Almost all the officers of the borough are appointed at this court on the presentment of the jury. They consist of—

Constables	2
Portreeves	2
Ale Conners	2
Searchers and Sealers of Leather	2
Affeerors	2

Constables.

The Constables are taken in rotation from the inhabitants. If any one be elected into the corporation, who has not previously served, he is generally presented for constable at the next court. The constables are allowed to serve by substitutes, to whom they usually pay 5*l.* The mayor determines as to the sufficiency of the substitute. No complaints were made of any unfairness in this appointment. The office is very much disliked.

Portreeves.

The Portreeves examine the weights and measures, and collect some small tolls to which the lord is entitled; these are imposed upon vegetables or other provisions brought into the town for sale, upon all windows in which any thing is exposed for sale, and upon all ovens; the last-mentioned toll is called furnace money. The Portreeves pay 6*l.* 0*s.* 2½*d.* to the lord as a composition for the tolls, which they appropriate; these, if carefully and strictly collected, amount to about 13*l.* to each officer, but it is not unusual for the portreeves to allow others to receive the tolls, on condition of their paying the lord's composition. By the judgment in the *quo warranto* in the time of Elizabeth, mentioned in Section 4, it appears, that the corporation had the right of appointing constables and portreeves at their court of pleas. Nothing was known as to the disuse of this.

Ale Conner.

The duty of the Ale Conner is that of examining the quality of the ale sold. There have been recent instances of presentments at the court of persons selling bad ale. The ale conners have no emoluments, and the office is not liked. The duties of the two remaining kinds of officers have become entirely obsolete.

The

The mayor is also elected at the court, but his election and the appointment of serjeant-at-mace, made at the court, will be afterwards mentioned.

Selection of the Jury.

The right of the mayor to select the Jury evidently gives him great influence in the election of all the above-mentioned officers. No complaint was made of abuse in any of the elections except that of mayor, but there exists a strong feeling of dissatisfaction amongst many of the inhabitants at the manner of selecting the jury, in consequence of the latter having, as will be seen, the presentment of the two persons from whom the mayor is to be elected. In consequence of some disputes having taken place in the time of Queen Elizabeth about the election of mayor, the question was referred by her to the arbitration of two of the judges. In their award, dated in 1558, it is adjudged, that the law day for the borough be kept on Tuesday after St. Michael, according to ancient custom. The mayor is yearly to return the jury for the law day to the Earl of Arundel's steward, in which return "they are to put in the burgesses of the same borough principally, and, with them, so many other of the principal inhabitants as shall make up the full number of 24, according to their ancient customs." The senior burgess, who seemed to be the most influential member, and indeed the general adviser, of the corporation, stated that he had always, when mayor, followed the terms of the award. He said that he had always summoned all the burgesses, resident or not, and besides them as many of the inhabitants as made the number of jurors about 28, in order to secure an attendance of 24. He said that there was no rule whatever for selecting the latter, but that the respectable inhabitants were indifferently taken, without any partiality or favour, although, he afterwards added, selections might have been made from political considerations. The Earl of Arundel, from the property which he possesses in the town and neighbourhood, has had a great influence in the elections of Members of Parliament. This has sometimes been supported by the corporation; at other times the latter body have been strongly opposed, to what is called, the castle interest. It was stated by one of the burgesses, that the political considerations mentioned above had reference rather to this interest than to any general political opinions existing at the time. Several of the inhabitants stated, that the jury was invariably packed, being always composed of the personal friends or clients of some of the members of the corporation. They said that the persons, whom it was usual to summon, formed a very small proportion of the respectable inhabitants of the town. It was stated, that a particular relation of one family (two members of which are in the corporation) had been on every jury since the year 1820. One person stated that his father used to say, that he invariably voted (in the nomination of the two persons to stand in election for mayor) as the corporation directed him; and, on that account, had been put upon the jury for 30 years successively, or nearly so. There can be no doubt, from an inspection of the court-leet books, that the juries have not been indifferently selected from the inhabitants, as several names frequently recur, that of one person as often as nine times in 10 years. In every one of these cases, some of the inhabitants traced the cause either to relationship or friendship with members of the corporation. There is no disinclination to serve on the jury; and the being put upon it is considered to be a compliment paid to the person. Magistrates are never put upon the jury. The resident burgesses generally attend: those, who cannot, send an excuse: the non-attendants are sometimes fined.

Letters Patent of Queen Elizabeth.

4. The corporation have no charter, but they have an exemplification of a judgment, obtained in the Court of King's Bench, in the time of Elizabeth; this is dated the 22d of June, in the 28th year of her reign. This judgment was obtained on an information of *Quo Warranto* against the mayor and burgesses. It states that the mayor and burgesses claimed the following franchises: that they were one body corporate, by the name of the Mayor and Burgesses of Arundel; that the mayor and burgesses, together with divers of the better inhabitants, had been used to elect one of the burgesses to be mayor for a year, and of the inhabitants of the borough to elect divers burgesses, with all the customary powers of mayor and burgesses; that the mayor and burgesses were used to hold two markets in every week, and four fairs in the year, and to hold a court every three weeks for all pleas under 40*s.*, and, in the same court, to choose portreeves, to collect pickage and stallage in the markets and fairs, and there to elect two constables and two serjeants at mace; and were also accustomed to a court leet of all the resiants, and therein to have the election and appointment of a clerk of the market, the correction of weights and measures, and the assize of bread, wine and ale, with all the customary appurtenances of a court-leet; and also to have the return of all writs, precepts and mandates within the borough by their serjeant, and that the sheriff of Sussex had no right to enter within the borough. To this the corporation pleaded, that the borough was an ancient one, and that the corporation had immemorially existed; they also pleaded immemorial custom as to the election of mayor and burgesses, the holding of two markets and four fairs, the holding of the court every three weeks, as set out in the information, and the election in it of portreeves for the purposes mentioned, and the election of two constables and two serjeants at mace: but they disclaimed all right of having a court-leet, with the several powers and appurtenances set out in the information, or of having the return of writs, or that the sheriff of Sussex had no right of entry. The whole of the plea was admitted by the Attorney General, and there was judgment accordingly.

Judgment in the time of Charles II.

5. There seems to have been a judgment on a feigned issue, in the time of Charles II., which determines that the mayor had been immemorially chosen from the burgesses, and that the right of election of burgesses was in the mayor and burgesses only, the burgesses to be chosen from the inhabitants. The record is dated the 12th of February, in the 29th year of the reign of Charles II.

ARUNDEL.

Title of the Corporation.

6. The Title of the Corporation is, "The Mayor and Burgesses of the Borough of Arundel."

Officers.

7. The Officers of the Corporation are—

Mayor	1	
Burgesses	12,	exclusive of mayor.
Serjeants at Mace	2	

Mayor, Election of.

8. The Mayor is elected annually at the court-leet, mentioned in section 3, out of the burgesses. Two of the burgesses are put in nomination by the jury, and one of them is elected by the inhabitants, paying scot and lot. This is in accordance with the award of the Judges, referred to in section 3. Many years ago, it was the custom for the mayor to invite the jury to supper the night before the day of holding the court, but this was discontinued, on account of the jury having, in one or two instances, nominated persons contrary to the wishes of the corporation. It is customary to put in nomination the two burgesses who are next in rotation to serve the office of mayor, but there have been of late several exceptions to this. One of the burgesses stated, that it was the old practice for the jury to put the same person in nomination for three successive years, if not previously elected, and that the corporation wished this rule to be still observed, but had been frequently thwarted by the jury. The members of the corporation stated, that it had never been the practice to put in nomination a burgess who was non-resident, or otherwise unable to serve, in order to leave no choice to the rate-payers: this was denied by several inhabitants, who said that one burgess, who was not on terms of friendship with the others, was put in nomination, as it was known that the inhabitants would be very unwilling to impose the office upon him, and that in fact he was not elected. It was also stated, that another burgess was put in nomination, who was known to be very objectionable to the majority of rate-payers, in order that the person nominated with him might be elected. There is a very strong party feeling existing in the town, and I was unable to ascertain how far this might have caused exaggeration in the various conflicting statements which I received. The election excites very little interest. On the presentment of the jury being made, a show of hands is taken, but there is seldom any division or contest: about 50 inhabitants generally attend. Some years ago there was a strong contest between the two persons in nomination, which was entirely of a personal nature: sheep were roasted for distribution, and beer was given, and a good deal of party feeling was excited in the town; but this is the only contest of the kind remembered. In the year 1811, the steward refused to make a return of the presentment, because only 13 or 14 of the jury had signed it. The reason given for this was a division amongst the jurors, some of them wishing to have the Lord's steward elected mayor, that he might be returning officer, he being a burgess, and an election of Members of Parliament being expected to take place in the course of the year. A *Mandamus* was afterwards obtained, upon which another court was held, and an election come to, up to which time the mayor of the preceding year continued in office. At Michaelmas 1832, the mayor of the preceding year was re-elected, and acted a second year, for the purpose, it was said, of superintending some works which were being carried on to the bridge and market. The corporation were not aware of the statute of Anne, prohibiting the re-electing of any chief officer of a borough, who is returning officer at the election of Members of Parliament. In the year 1735, a mayor died in office. There being no mayor to return a jury for the election of another, the borough was without a mayor for a year: there was then a *Mandamus* to the steward, to issue his precept to the senior burgess to return a jury. No other instance was known of a mayor dying in office. The senior burgess has served the office five times, and some of the others three times. The mayor has always been resident either within the town, or within two or three miles from it.

Burgesses, Election of.

9. The burgesses are elected for life by the mayor and burgesses from the inhabitants. Some of the inhabitants supposed, that the term "Burgesses" included the inhabitants generally, but they had little foundation for this supposition, and the contrary was evidently understood to be the case in the time of Elizabeth. The mayor's presence is not considered necessary at an election, but that of a majority of the corporation is. The full number of burgesses appears not to have been kept up. It was stated that, until within the last four or five years, there had not generally been above eight or nine. There are at present eleven burgesses, besides the mayor. When it is in contemplation to elect a burgess, a previous meeting of the mayor and burgesses is convened by the mayor, at which it is arranged who shall be elected; in fact the election may be said to take place, as the sense of the body is taken upon any one being proposed and seconded. It is generally the practice to consult a person, as to his willingness to come into the corporation, before he is proposed. Private friendship and local, rather than national, politics seem to have been the criterion as to a person's election; but all the present members are understood to hold the same general political opinions. An individual, however, stated that he himself was known to hold opposite opinions, but that he had been asked several times to allow himself to be elected. There is a strong family connexion at present in the corporation; one of the burgesses, who is generally considered the leading member and adviser of the corporation, having a brother and two brothers-in-law amongst the burgesses, but the two latter were not so connected with him at the time of their election. There are no Dissenters in the corporation. One of the burgesses stated, that a person's dissent from the Church of England would be a bar to his election; another thought, that Dissenters would be elected rather than that the corporation should not be composed of respectable persons; a third thought this principle would not go further than to make a preference between two persons, equally eligible in other respects. It was stated that, within two days from the time of my inquiry, a Dissenter had been invited to come into the corporation. The lord of the manor seems not to have had any influence in the

the elections of the corporation, at least for many years. Several respectable persons have declined entering into the corporation, and indeed there has sometimes been a difficulty in getting the consent of any eligible persons to allow themselves to be elected Some of the inhabitants stated, that the cause of this, in recent instances, was the expectation that some alteration would be made by the legislature in the constitution of the corporation. One of the burgesses stated, that the petition to the House of Commons, adverted to in section 1, had much increased the difficulty, as the burgesses thought that they could not properly elect any one who had signed the petition. The corporation, as a body, do not appear to have taken any active part in the elections of Members of Parliament. One of the present burgesses has been non-resident during the last ten years.

Fee paid on Election.

The Fee paid by a burgess on election is at present 63 *l.* The custom of paying a fee on election can be traced back for a great number of years. In 1700 it was 7 *l.*; in 1777, it was 60 guineas; in 1821, 100 guineas, which was paid by two persons only; and, in 1832, it was fixed at 60 guineas. The corporation have lately come to a determination to abolish the fee altogether. The fee was always, up to 1830, divided amongst the burgesses; since 1830 it has gone to the general fund of the corporation. It is also customary for each burgess to give a dinner on his election to the mayor and other burgesses; this practice seems to have existed from early times. An inhabitant, who had been a burgess but who had resigned, stated that the reason given by the corporation for exacting the fee was, that it kept the body respectable. There seems to be no force in this reason, as it depends upon the burgesses alone who is elected into their body.

Serjeants at Mace Appointment of.

10. According to the *Quo Warranto*, mentioned in section 4, the Serjeants at Mace used to be elected at the court of pleas, but by whom is not said. They are now always appointed by the mayor at the court leet, immediately after his own election, and are sworn in there. The same persons are always re-appointed.

Town Clerk, Office of.

11. The office of Town Clerk is not known to have ever existed. Some of the inhabitants understood that the clerk of the senior burgess was town clerk; this the latter denied. He stated that both he himself and his father had acted as town clerks, and he had no doubt that they had added such designation to their signatures. He said that he had never received any fee as town clerk. It is usual for the mayor to consult him, as he is an attorney, and in fact he acts as the general adviser and attorney of the corporation; but his clerk acts as the officer of the borough court, and receives a fee for so doing. The clerk officiated in proclaiming the accession of His Majesty.

Mayor, Functions of.

12. The duties of the Mayor are scarcely definable; they are such as usually devolve upon the chief officer of a small town.

The mayor has, in some instances within the last few years, exercised some of the functions of a justice of the peace. The senior burgess, who is an attorney, stated that the mayor had no further authority for doing so than that which every mayor has, as the conservator of the peace of the town. He said that he had, when mayor, committed some persons to prison for making a disturbance in the town, who were afterwards forcibly released by others. The latter persons were indicted for this offence, and at their trial no question was raised as to the legality of the first committal. The mayor has occasionally sat at the petty sessions. On one occasion he signed the poor-rate as a magistrate, but it seemed to be admitted that, at all events, he had no jurisdiction to do this. A county magistrate refused to grant any distress warrant to enforce the rate, from the conviction of its illegality. One of the burgesses thought that the mayor had jurisdiction as a justice from prescriptive usage, but this position seems to be not all tenable. The mayor presides at the borough court, mentioned in section 16.

He is the treasurer of the corporation, and receives and pays every thing.

He is by office a commissioner under the Paving Act.

The mayor has an allowance of 100 *l.* He also receives for his own use the quay dues and river dues, an account of which will be given in section 24. The former amount to from 3 *l.* to 4 *l.* in the year; the river dues have sometimes amounted to 9 *l.* or 10 *l.*, but have decreased since the duties on salt were reduced, and averaged only 6 *l.* 11 *s.* 1 *d.* a year in the three years, 1830, 1831 and 1832.

The mayor is expected to give three dinners during the year to the burgesses and some of the officers appointed at the court leet. On the day of his election he gives a dinner to the lord's steward and court leet jury, and to some of the inhabitants: a bye-law of the corporation limits the number of the last to eight. He gives also two other dinners in the year to the burgesses. He has to pay the wages of the serjeants-at-mace, 4 *l.* each, besides something for their liveries, a suit of clothes and hat being given one year, and a cloak the alternate one. He has some other small expenses, such as the allowance to the ringers, and a bill for beer, distributed on his election day; these amount to 11 *l.* or 12 *l.* in the year. It was thought that the customary expenses of the office exceeded the allowance by 30 *l.* generally.

Burgesses, Functions of.

13. The Burgesses have no duties beyond that of attending the borough court.

They have no allowance. Their emoluments from the division of the admission fee, and of the surplus income, will be noticed in section 24.

Serjeants at Mace, Functions of.

14. The Serjeants at Mace attend all meetings of business or festivity, as the general servants of the corporation. They have salaries of 4 *l.* each, and liveries, provided by the mayor, as mentioned in section 12.

Jurisdiction of the Corporation.

15. The corporation have no Criminal Jurisdiction. The borough is within the jurisdiction of the magistrates, sheriff and coroner of the county of Sussex.

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Borough Court.

16. The judgment in the *Quo Warranto* recognizes the right of the mayor and burgesses to hold a court from three weeks to three weeks, for all pleas under 40*s.*, and in this court to choose portreeves and constables, and serjeants-at-mace. A court is at present held quarterly. The court is held before the mayor and burgesses, any two of whom are considered to be a quorum. Nothing is practically done at it; the object of it was stated to be the receiving any complaint from the court leet officers in their respective departments. They usually make a formal presentment of "all well." The last entry of any action in the court is dated in 1798. A jury used to be summoned, and the serjeants-at-mace acted as the officers, but little further is known of the practice. The damages recovered, in one of the late actions brought in the court, were 6*s.* 3*d.*, and the costs 2*l.* 5*s.* 1*d.*

Expediency of a Small Debt Court.

17. There were contradictory opinions as to the expediency of a Small Debt Court. One of the burgesses thought that it would have a tendency to produce bad feeling in the town. Several of the inhabitants thought that it would be very useful. If one were established, it would be advisable to extend it to neighbouring parishes.

Police.

18. The constables form the only Police, and appear to be sufficient; there is no provision in any local Act for watching the town.

Paving Act.

19. There is an Act, 25 Geo. III. c. 90 (public), for paving and lighting the town, under which the mayor and burgesses are commissioners. There are also other commissioners, who are required to possess a certain qualification as to property. The rate authorized by the Act varies according to the situation in the town of the property rated. The full rate is always levied, and amounts to about 100*l.* This is sufficient for the paving, but very little can be spared for the lighting, which is insufficient. There is a debt of 1,400*l.*, which seems not to be in a state of diminution.

Bridge, Repairs of.

20. The Bridge within the town is repaired almost entirely out of the poor-rate. Some of the inhabitants attempted to show a liability of the corporation to repair it, but I found nothing in the books to justify such a presumption. The corporation are trustees of two small rents, one of 2*l.* and the other of 3*s.*, charged upon houses for the repairs of the bridge. Nothing was known by any one of the origin of these rents. One of the houses, out of which the rent of 3*s.* issued, was sold by the corporation under the Land Tax Redemption Act. A separate account of these rents and of the expenses of the bridge is kept in a book, called the Bridge Warden's book. The office of bridge warden seems to have existed from early times, and, having been probably always held by the corporation, the presumption may from this have been raised, that that body at one time defrayed all the expenses of repairs. There is a paper without date, but evidently of some antiquity, amongst the muniments of the corporation, containing donations for building the bridge, and other papers of the same kind, containing subscriptions from the inhabitants of the different rapes of Arundel, Bramber, Chichester, at various times for the repairs. In this part of the county of Sussex, the general rule is, that each rape maintain its own bridges. As the rape of Arundel contains above 50 parishes, the rate upon the whole of them for the repair of Arundel bridge would not be large, and, had they been liable, it seems improbable that the other rapes would have contributed voluntary subscriptions. The parish of Arundel does not contribute to the repairs of any other bridge. The inference therefore would seem to be, that the liability to repair the bridge in question does not come within the rule, but I was unable to ascertain how long the present practice had existed of charging the poor-rate. One of the inhabitants thought that the charge upon the poor-rate had been first made about the year 1780. Several entries, in an ancient book relating to the bridge, show that the inhabitants generally have been long accustomed to repair the bridge. The following extract is dated the 15th January 1658; "Received all the remainder of a tax made for the bridge, 2*l.* 7*s.* 5*d.*" In an entry, dated 9th February 1719, relating to an appointment by the mayor and inhabitants of three persons as surveyors of the bridge, is the following passage; "and the inhabitants of this borough do hereby agree to repay the expenditers what they shall expend in repairing the said bridge." The mayor is considered to hold the situation of bridge warden, and he gives all orders for the repairs of it. After the 2*l.* 3*s.* have been expended, his order upon the overseer for the payment of the expenses is considered to be sufficient. It is usually the practice for the mayor to pay the way-warden for any small necessary repairs, and afterwards to get repaid by the overseer, which is done without any formal order.

Church-rate.

21. Considerable discussion has lately taken place in the town respecting the contribution to the Church-rate, and much angry feeling has been excited between the corporation and some of the inhabitants on this subject. The question is, whether or not the corporation have immemorially paid, and are liable to pay, half the church-rate. Upon my entering upon this subject with the corporation, the senior burgess interposed, and protested against any information upon it being given to me, as also against my seeing the entries in the corporation book relating to the church-rate, and stated that, if the subject were continued, he should vote for closing the book altogether. The other members present concurred in this, on the ground that the question of the liability of the corporation would probably be made the subject of legal proceedings, and that they ought not to be called upon to furnish evidence against themselves. I therefore obtained no information from them or their books on the subject. I was afterwards informed by some of the inhabitants, that, from as far back as could be ascertained down to the year 1822, the corporation had always paid half the rate. This payment, however, seems to have been the composition, not only for the public property of the corporation, but for the private property of each member of it. Some of the inhabi-

tants

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tants denied this, but they appeared to be unwilling to assist me in investigating the truth, from the fear of furnishing evidence or making admissions, which might be prejudicial to the interests of the inhabitants. It seemed to be understood that, if the private property of the burgesses were exonerated by this composition, the custom would not be considered good in law. One of the church-rate books was shown to me, the earliest entry of which is dated 1725, and is as follows:—"Disbursements by ——— ——— churchwardens for the borough of Arundel for the years 1725 and 1726, as appears by account aforesaid, half of which belongeth to the mayor and burgesses to pay, and the other half to the inhabitants not being of the corporation." In almost all entries of succeeding years, the aggregate expenditure is divided by two, but the object for so doing is not mentioned. It was stated, that one of the churchwardens used always to be elected from the corporation.

Poor Rate.

22. The Poor Rates for the parish of Arundel amount to from 5*s.* to 7*s.* in the year. The assessment is calculated to be upon one-half the annual value for buildings, and two-thirds of it for land, but it was thought to be very unequally so.

Markets.

23. There is a General Market once a week, and a Cattle Market once a fortnight. No tolls are taken at them. The market ground belongs to the corporation, and upon it they place hurdles and charge 6*d.* for every pen of sheep confined within them; but they consider this as a charge for the use of the hurdles, and not as a toll to which they are entitled. A small charge of the same kind is made for pigs. The person, who takes charge of the hurdles and clears the market, takes half the receipts. The receipts of the corporation have amounted to about 36*l.* in each of the last two years, out of which is to be deducted about 24*l.* a year for expenses of hurdles, &c. This market began about the year 1819. There are two shambles in the market place, one of which is let to a butcher for 10*s.* a year, the other the public use without paying any thing. About two years ago a building was erected by subscription upon the quay for the purpose of a corn market. The corporation consider the quay as belonging to them, and they, with the consent of the Board of Customs, leased the site of this building for 99 years at a rent of 5*l.* to certain persons, as trustees for the subscribers. The building is well adapted for its purpose.

Property.

24. The principal Property of the corporation is an estate of about 96 acres, called the Burgesses' Brooks. This is divided into 16 unequal portions. It has always been customary for a burgess, on first coming into the corporation, to have a lease from year to year of one or more of these portions. If all should happen to be let at the time of a new burgess being elected, notice to quit would be given to a tenant, not a member of the corporation. Conflicting evidence was given as to the terms upon which the property was let to the burgesses. They themselves stated that nearly, if not altogether, the full value was paid by them. One of them afterwards stated, that they paid about 50*s.* an acre, and let to others at 3*l.* It has frequently been the practice for the burgesses to underlet their portions. Only one is at present underlet: in this instance the burgess pays a rent of 16*l.* 15*s.* and underlets at a rent of 20*l.*, but he stated that he had laid out two years' rental upon the improvement of the land. The lord of the manor is tenant of one portion, of about one acre and a half, for which he pays 7*l.*, but this was admitted to be far above the real value. It was stated that, until lately, the burgesses had always drained and embanked their portions, but that the corporation had always been at this expense for other tenants, which would account for a difference in the rents charged. The average annual value set upon this property by the burgesses is 50*s.* an acre, which would give a rental of 240*l.* Several of the inhabitants represented that the burgesses had much undervalued the property. Two persons stated that the real value of the land was at least 4*l.* an acre, the tenant embanking and draining. An individual, who had once been a burgess, stated, that he then had a portion for which he paid 12*l.* or 12*l.* 10*s.* to the corporation, and which he underlet for 19*l.* It was stated that one burgess had paid 12*l.* to the corporation, and had underlet for 30*l.*, but the latter was considered to be a very high rent. One of the burgesses stated, that the land let to persons not of the corporation was always let by tender, but that the rent had never been so high as these inhabitants had represented. The correct estimate would probably lie between the estimates of the two parties. It is not easy to conceive what the inducement is to persons to pay the large admission fee mentioned in section 9, if the pecuniary advantage derived from this tenancy be as small as is represented by the corporation.

Right of Common claimed by the Inhabitants.

Evidence was adduced to prove that the Burgesses' Brooks originally belonged to the inhabitants generally, and that they had enjoyed, at all events, a right of common upon them within the time of living memory. Considerable research had been made by a gentleman, who attended at part of the inquiry, as to the history of this property and the original grant of it to the burgesses. The subject, however, is involved in some obscurity, and the freehold has been in the burgesses so long, that it seemed to be useless to prosecute this part of the inquiry any further. With respect to the right of common, the evidence was more definite, but it did not go far enough to prove the right set up. It amounted only to this: that before the enclosure of the land, which is more than fifty years ago, many of the inhabitants used to turn out their horses, on paying a small sum to the corporation; that at this time a great portion of the land was almost worthless, but such as was worth cultivation was fenced off by the corporation, who took the crops from it; that there was an officer appointed by the corporation, called the Brook Warden. It was not known how much

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stock any one was authorized to turn out, but the day of turning out was said to be the 1st of May. Many years ago it was customary for the corporation to give a dinner, on the mayor's election day, to all who had a right to vote at the election; this was afterwards commuted for 2*s.* to each person: the practice has long been discontinued. An attempt was made to connect this custom with the right of common, to lead to an inference that, on the inclosure of the Brooks, the dinner was given as a compensation to the inhabitants for the loss of their privilege, but the evidence was not sufficient to establish this. The following extract from an ancient Terrier, of the date of 1663, shows that the corporation had not the exclusive enjoyment of the land:—"Item, our minister hath the keeping of six kine in the Brooks, called the Burgess' Brooks, every year." On the other hand, the burgesses referred me to a memorandum in one of their books, dated 2d May 1636, setting out an order by the mayor and burgesses, "that the Brooks shall be laid this present year with no other cattles than the said mayor and burgesses' own cattles, and if any of them shall not think fit to lay it with their own, they shall let it to the rest of the company at reasonable rates."

The corporation have two small houses, let on leases of 99 years, at nominal rents of 2*s.* 6*d.* each. One lease has 40 or 50 years to run, the other nearly 80. Fines were taken on both of them; that on the lease last granted was 210*l.* The site of what was once the pest-house is let on lease for 99 years at a rent of 2*s.* 6*d.*

Market Rents. An account of the Market Rents was given in the preceding section; they produce about 41*l.* 10*s.* subject to certain expenses.

Quay Dues. The corporation take Dues on all goods landed upon the public Quay. Some years ago these were taken upon coals, and it was thought upon all other goods, imported within the borough and landed any where within it. The corporation have a table of them of some antiquity, and stated that the same tolls had always been collected. There is a number of articles specified; the following will afford some information as to the rate of toll:—

For every	Load of Corn	3*d.*
—	Chaldron of Coals	3
—	Hogshead of Wine	2
—	Ton of Grocery	3
—	Boat with Mackarel	4
—	Load of Timber	2

They do not usually amount to more than 3*l.* or 4*l.* in the year, which the mayor receives.

River Dues. The River Dues are taken in respect of every vessel discharging coals, culm or salt within the limits of the port. One bushel of the cargo is taken from each vessel, if not commuted, but a commutation is generally made. The value of these dues has of late decreased, in consequence of the reduction of the salt duties. The average annual value, taken upon the years 1830, 1831 and 1832, was 6*l.* 11*s.* 1*d.* These dues are received by the mayor.

Rent Charge. The corporation have a Rent Charge of 3*l.* 12*s.* upon the Crown Inn. This was granted many years ago by the proprietor of the inn, in consideration of the corporation pulling down some shops in the square near the inn, by which that property was benefited.

Fees on Admission. An account was given of the Fees paid on Admission of burgesses in section 9.

Present Income. Averaging the rent of the Brooks at 3*l.* an acre, which would probably not be too high an estimate, the Income of the corporation from all the preceding sources, except the fees on admission, would amount to about 302*l.*, but it has in fact been always much less, from the burgesses not paying so much as 50*s.* an acre for their portions of the Brooks.

Expenditure. The items of Expenditure are too variable to allow of any classification being made. The largest item every year is the mayor's allowance of 100*l.* Some of the other principal charges in the year 1833 were,—

	£.	*s.*	*d.*
A Subscription to the Chichester Infirmary	12	12	–
A Subscription to the Arundel School	5	–	–
A Donation, as a Prize at a Cattle Show	10	–	–
Expenses connected with the Brooks Fields	28	14	5
Mole-catcher	1	–	–
A Subscription for the maintenance of the Hardham Causeway	5	–	–
Printer's Bill	1	5	6
Salary of the Person who holds the Courts, mentioned in section 15	3	3	–

In the year 1832, there were

Expenses connected with the ascertainment of the Parliamentary Boundary	34	15	6
Repairs of the Quay	13	17	10
Solicitor's Bill	52	7	10
Contribution to Hardham Causeway	25	–	–

The usual expenses of the quay are estimated at 3*l.* or 4*l.* in the year.

The

The solicitor's bill does not average more than from 3*l.* to 4*l.* when no unusual law proceedings take place; in 1832, the corporation brought an action of ejectment, which is the cause of this bill being so large.

It was always customary, up to the year 1830, for the corporation to give a dinner to the burgesses and some of the inhabitants, the expense of which averaged from 22*l.* to 25*l.* This has been discontinued.

Balance.

The Balance in hand at the end of the mayor's year has varied considerably, both from the great inequality of expenses caused by the Brooks land and quay, and also by the payment of the mayor's allowance not appearing always in the accounts of the proper year. The balance in hand at Michaelmas 1833 was 72*l.* This is now regularly carried forward, but, up to the year 1817, it was always customary for the mayor and burgesses to divide amongst themselves any balance remaining at the end of the year. In the year 1808 each received from this balance 10*l.* 4*s.* 11*d.*; in 1816, 5*l.* 14*s.*; and in 1817, 1*l.* 10*s.* 5*d.* In some years there was nothing to divide. The fee paid by a burgess on admission is now carried into the general stock; but, up to the year 1830, this also was divided amongst the mayor and other burgesses as soon as it was paid, and did not appear in the accounts.

Population, and State of the Town.

25. The following Tables give the population and number of inhabited houses of the parish, at four different periods.

	1801.*	1811.*	1821.*	1831.†
Population - - -	1,855	2,188	2,511	2,803
Inhabited Houses - -	334	404	460	517

The number of 10*l.* householders within the parish, in the revising barrister's list of 1833, was 169: there may probably be others, who are entered as scot and lot voters.

The town was thought to be in an average state of prosperity: the poor rates have not increased within the last three years. The corn and cattle markets are tolerably well attended. There is no manufacture of any kind within the parish. The chief article of import is coal, but there is a merchant residing within the town, who imports timber from the Baltic. Coal is sent up the river to Guildford, Horsham and Petworth. The following Abstract will show the variation in the trade of the port at different periods.

PORT OF ARUNDEL.

YEARS.	FOREIGN TRADE.		COASTING TRADE.		DUTIES.		
	Inwards.	Outwards.	Inwards.	Outwards.			
	Tons.	*Tons.*	*Tons.*	*Tons.*	£.	*s.*	*d.*
1810	235	317	15,269	11,409	4,716	17	2
1811	40	94	12,676	12,337	4,055	9	6½
1812	684	235	14,359	9,669	4,748	19	8
1820	1,177	154	17,884	15,281	5,128	14	4
1821	965	117	17,818	12,589	6,060	17	5
1822	480	271	15,480	8,115	4,798	10	4
1830	1,107	1,194	20,750	7,401	7,077	6	4
1831	695	1,213	18,718	8,512	2,555	16	9
1832	569	295	19,070	8,736	2,195	11	8

Local Acts.

26. The following are the titles of the Local Acts relating to the town.

6 Geo. II. c. 12. (Public.) An Act for erecting Piers in, and for repairing and keeping in repair, the Harbour of *Little Hampton*, called *Arundel Port*, in the county of *Sussex*.

25 Geo. III. c. 90. (Public.) An Act for the better paving, cleansing and lighting the Streets, Lanes, Ways and Passages within the Borough of *Arundel*, in the county of *Sussex*, and for removing and preventing Incroachments, Obstructions and Annoyances therein.

33 Geo. III. c. 100. (Public.) An Act to explain and amend an Act made in the sixth year of the reign of his late Majesty King George the Second, intituled, "An Act for erecting Piers in, and for repairing and keeping in repair, the Harbour of *Little Hampton*, called *Arundel Port*, in the county of *Sussex*"; and for empowering the Commissioners acting under the said Act, to improve the Navigation of the River *Arun*, from the said Harbour to the Town of *Arundel*, in the said county.

6 Geo. IV.

* Marshall's Statistics, p. 89, No. 918. † Census of 1831.

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6 Geo. IV. c. clxx. (Local and Personal, Public.) An Act for the more effectual Security of the Harbour of *Little Hampton*, called *Arundel Port*, in the county of *Sussex*.

Documents.

27. Copies of the following Documents are sent with the Report.

(1.) Translation of the exemplification of the Judgment on the *Quo Warranto*.
(2.) Translation of the exemplification of the Judgment on the feigned Issue.
(3.) Table of the Quay Dues.
(4.) Custom-house Return made to the Government in 1833.

D. Maude.

REPORT

ON

THE BOROUGH OF BRADING,

(HAMPSHIRE.)

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BOROUGH OF BRADING.

Local Limits.

1. THE Limits of the Borough of Brading are perfectly well known. They comprehend the whole of the town of Brading, and a considerable area besides; in all, the contents may be about a square mile and a half. The parish of Brading is much more extensive. There was a perambulation in the October of the present year, 1833; the last preceding perambulation took place about five years back.

First Charter or Grant of Edw. I.

2. Edward I. granted a market and fair in the eleventh year of his reign. This grant is not in the possession of the corporation, but its existence is ascertained from a copy in the Tower. I do not know to whom the grant is made.

Second Grant or Charter of Edw. I.

3. In the twelfth year of the reign of Edward I. a grant was made for proclaiming the market and fair.

Third Grant or Charter of Edw. I.

4. In the thirteenth year of the same reign, a grant of a market and fair were made to Queen Eleanor, to be held at Brading.

Grant of Brading by Edw. III. to W. Le Dale.

5. The liberty and leet of Brading, with the issues and profits thereof, were granted by Edward III. to William Le Dale.

Other documents.

6. The corporation books contain extracts from other documents in the Tower; but they are not sufficiently ample to throw a very clear light on the state of Brading. They show that the fee-farm of the town was the subject of more than one grant by the Crown.

Grant or Charter of Edw. VI.

7. The only original Grant or Charter in possession of the corporation is a grant by Edward VI. made in the first year of his reign, to the bailiffs and the King's subjects and inhabitants of the town of Breardinge, of a market to be held every Wednesday; and of two fairs every year, one to be held on the vigil day and day following the day of St. Philip and St. James, the other on the vigil and day of St. Matthew. Certain immunities are given during these markets and fairs; and a Court of Pie Poudre is granted. The government of the markets and fairs is given to the bailiffs, or two or three of the more honest men of the town, chosen and deputed by the bailiffs.

Remarks on the Documents.

8. These documents do not show what the real state of the corporation was. That there was more than a mere leet seems plain, from the inhabitants at present both receiving and paying a fee-farm rent, from their holding lands in succession, from their possessing a seal, from their having the power at their meetings to tax the resiants of the borough, from there being a power to exclude traders except upon a payment of a fine and a rent, and from the entries in their books. These books commence in the fourth year of Edward VI., and they contain indiscriminately entries of courts leet, entries of courts of pie poudre, and entries of what are called assemblies. The last of these are the most rare in the early entries; but I could not perceive, from the transactions which the records show to have taken place at these meetings, that they were understood to possess different functions. In a document entitled "The auncyent custom of the Kinges Towne of Brardinge," referring to the grant of Edward VI., are these words: "All maner of Amersciaments Paines Bloodsheddes Straies Weaves of goods, or Cattell of Felons or Fugatives that be com' and forfeite, w^th^in the Libertie of Brardinge, as also the p^r^phett of the twoe Coortes of Pie Powders." By whom, or when, these grants were made, I have not been able to learn.

Title.

9. I cannot state with certainty what the title of the corporation is. The grant of Edward VI. is "Ballivis, subditis et inhabitantibus villæ de Breardinge;" but in their leases the reservation is sometimes to the bailiffs, jurats and burgesses, and sometimes to the bailiffs and their successors; and the grants and covenants correspond to the reservations.

Offices.

10. The Officers at present are,

Bailiffs	2
Justices	2
Constables	2
Steward	1
Deputy Steward	1
Hayward	1

Burgesses or Freemen.

11. There appear also to be Burgesses or Freemen in this borough.

Bailiffs, how elected.

12. Two Bailiffs, senior and junior, are elected every year. The two bailiffs for the time being, the two for the preceding year (called justices), and the deputy steward, hold what is called a private meeting. It is probable that the steward, if resident at Brading, would attend. One inhabitant, who has served the office of constable, is chosen senior bailiff; two others, who have also served as constables, are put in nomination for junior bailiff. This meeting is held at the summons of the senior bailiff for the time being, a few days before a court leet, which is held about the 9th of October. At the court leet the senior bailiff is presented, and the jury chooses a junior bailiff from the two in nomination. The proceedings of the private meeting are always kept secret till the court leet. The foreman of the jury gives a casting vote, if the jury be equally divided in opinion, which occurred in the present year (1833). The choice of the senior bailiff, and of the two put in nomination for the office of junior bailiff, is practically almost always made by the senior bailiff for the time being. If either bailiff were to die in office, it is supposed that there would be the same routine of a private

BRADING.

a private meeting and a court leet; but that only one name would be proposed to the latter. The present senior bailiff has been senior bailiff twice, and junior bailiff once.

Justices, what.

13. The Justices are the two bailiffs of the preceding year.

Constables, how elected.

14. The two Constables, head and junior, are chosen from the resiants respectively as the senior and junior bailiff are chosen, and at the same time. Vacancies occasioned by death, or by the officer quitting the town, are filled up as in the case of bailiffs. It has sometimes been found necessary to enforce the service of constables by legal compulsion. The person put in nomination as junior constable, who is not chosen, is nearly certain of being chosen at the private meeting as head constable the succeeding year, or as a person to fill up a vacancy, should such occur during the first year.

Steward, how elected.

15. The Steward is chosen at a private meeting, and elected by the jury of the next court leet: a court is summoned for the purpose, if the time for holding a regular court be distant. He holds for life.

Deputy Steward.

16. The Deputy Steward is elected exactly as the steward. He holds for life; but the present Deputy Steward, who was elected about 15 years back, gave up his office for five or six years during the intervening time.

Hayward.

17. The Hayward is chosen by the leet jury annually. Whether there be a right of nomination in the private meeting is doubted; the fact is, that a discussion generally takes place there, but that no formal proposal from the private meeting is made. He is frequently re-elected.

Burgesses or Freemen, what.

18. It seems that all the resiants are Burgesses or Freemen. The leases sometimes run in the name of the burgesses, as well as the bailiffs and jurats, and the corporation exercises a control over the trade of the town, requiring a payment of money before any one is allowed to open a shop, and an annual payment while it is kept open. So far, therefore, it seems that there is an analogy to the freedom of a guild.

Government of the Corporation.

19. The Governing Body appears to be constituted by the five functionaries who compose the private meeting described in Section 12; but courts are frequently held, called also Assemblies, at which the five officers above named, the constables and the leet jury attend. It is probable that, from the assembly of the whole inhabitants composing the corporation having been made up of the same individuals as those who should attend the court leet, the two assemblies have very early come to be confounded, and that then, the attendance of the resiants (with the exception of the leet jury) having ceased to be required at the court leet, the result has been, that the functions of the whole corporation, comprehending the inhabitants, appear in form to be exercised by the bailiffs, justices, deputy steward and leet jury, under the name of an assembly or court. It seems doubtful whether, even now, the inhabitants or officers know whether they are holding a leet or not, on these occasions; and, as before mentioned, the older entries indiscriminately call the meetings, assemblies, courts leet, and courts of pie poudre; indeed, in one instance, the entry was "At a private meeting;" but, as this meeting comprehended at least the bailiffs, constables and jury, the entry is probably no more than an accidental blunder.

Bailiffs, functions of.

20. The Bailiffs are in fact the whole working body of the corporation, except as far as relates to the internal detail of its constitution. They keep the records, give orders to the constables, inspect the lock-up house, give directions respecting the economy of the town, and receive all the corporation revenue, and make all the payments due from the corporation. When the bailiffs take office, the moveable property of the corporation is openly transferred to them, according to the list of the preceding year, and a new list is made out and entered in the record of the meeting. This consists of the muniments of the corporation, of some standard weights and measures, of some books, and the keys of the prison, and the stocks. The bailiffs appear to possess no power as magistrates, though not long ago an instance occurred in which a bailiff granted a search warrant, which led to a conviction. They have also sometimes backed the warrants of county magistrates, but it does not appear what right they have to do so. Not long ago they apprehended a man for felony; but, as he was actually convicted, this proves nothing as to their power as magistrates. A copy of the warrant issued by them on that occasion entitles them Justices of the Peace, but there is a doubt whether the copy be correct in this respect. It appears by the books, that in 1663 the bailiffs committed a disorderly person to the House of Correction at Newport. The functions of the office are principally exercised by the senior bailiff; there are two locks to the chest, but both keys are at present kept by the senior bailiff. The bailiffs also are the nominal presidents at the court of pie poudre, and they summon the meetings of the court leet. The outgoings of the corporation exceed the income, so that the bailiffs, having no salary, are annually put to an expense. This amounts to 30 or 40 shillings for each bailiff, including the expenses of a dinner annually given to the officers and leet jury.

Justices, functions of.

21. The two Justices have no functions besides those connected with the constitutional detail of the corporation.

Constables, functions of.

22. The inhabitants believe that the Constables are exclusively entitled to execute all warrants within the borough. For this there appears to be no legal ground; but, in fact, the warrants are ordinarily handed to them. They manage the lock-up house and the stocks. They never act out of the borough. They warn the leet jury, from a list given to them by the deputy steward. They have no emoluments or salary.

Steward, functions of.

23. The Steward appears to be considered by the inhabitants as having no duty besides that of presiding, once in the year, at the court at which the officers are sworn in; but he probably

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probably is entitled to execute all the functions of the Deputy Steward. The present Steward is an attorney of the superior courts, and lives at Newport, but comes over to Brading once in the year, on the occasion mentioned, and dines at the annual dinner. He seems to be the proper law adviser of the Corporation. His salary is one guinea per annum. He has no other emoluments.

Deputy Steward, functions of.

24. The Deputy Steward, besides his functions connected with the internal detail of the constitution, is the judge at the court leet, and makes out the list of jurymen for the constables. His salary is one pound per annum. He has no other emoluments.

Hayward, functions of.

25. The Hayward has the management of the pound. He receives some small sum from the party concerned, whenever he turns the key.

Burgesses or Freemen, privileges of.

26. The Burgesses or Freemen, in other words the resiants, appear to enjoy at present no privileges. There were certain rights of common enjoyed by them, very many years ago; these have either been lost by non-user, or, as is more probable, exchanged for some of the lands now owned by the corporation. I was assured, also, that the inhabitants were never summoned for county juries till within the last 30 or 40 years.

Jurisdiction of the Corporation.

27. The only courts belonging to the corporation are, the Court Leet and the Court of Pie Poudre.

Court Leet.

The Court Leet appears to be the proper authority for electing the constables and hayward. It inspects the weights and measures whenever summoned by the bailiffs, which generally is done three or four times in the year. The jurors seize the light weights; but they do not break them since the imperial measure has been instituted. They present nuisances, a duty which they appear to execute with care. They also present the ordinances and customs of the borough, which are annually entered in the records. They impose fines for nuisances, which are actually paid. The jury are selected from the householders, according to a list made out at a private meeting and handed to the constable by the deputy steward. Seventeen are warned; the number of male householders is so small, that the same person has ordinarily to serve several years together. This jury appears in the leases of the corporation as an integral part of the body: at least it appears probable that it is to them that the title "jurats" applies, there being no trace of the existence of any other functionaries with this title.

Court of Pie Poudre.

The Court of Pie Poudre is now little but a form. At the times of the fairs, the bailiffs order the constables to collect the stallage and to keep order. It is not opened at the market, and indeed it is not now formally proclaimed; though, some time ago, the assembly, which was held next before the fairs, resolved itself into a court of pie poudre, and the court was kept open for part of the first day of the fairs. The stallage collected amounts only to a few pence.

Police.

The only share which the corporation takes in the Police is the appointment of constables in its court leet, and a certain degree of superintendence exercised by the bailiffs.

Whether the local limits require extension.

28. There can be no reason whatever for extending the local limits of the jurisdiction of a corporation, the powers of which are so nearly nominal: nor are there any pecular circumstances affecting this district which appear to justify its separation from the general jurisdiction of the county.

Lock-up House.

29. Within the borough is a Lock-up House called the prison, which is under the care of the constables, and which the bailiffs occasionally inspect. The fee belongs to the corporation, and the corporation provides for the repairs, and for the slight accommodations necessary in a place where prisoners are never confined for many hours.

Stocks.

Under this head may also be mentioned the Stocks, which belong to the corporation, apparently as lords of the leet.

Poor.

30. The corporation is not connected in any way with the management of the Poor.

Patronage.

31. There is no patronage of any sort in the hands of the corporation.

Fairs.

32. The two Fairs granted by Edward the Sixth are regularly held. The corporation collects a very trifling stallage. The court of pie poudre is supposed to be held, and the constables are charged to keep order.

Market.

33. The weekly Market, as granted by Edward the Sixth, is also held every Wednesday; but it does not appear that the corporation do any act shewing their connexion with it.

Rates.

34. The Assembly of the Corporation (sometimes called a court leet, sometimes a court of pie poudre) has, as far back as the records reach, exercised the power of laying rates on the lands, for the purpose of repairing the buildings of the corporation, and also, before the Highway Act, for the repair of the ways. When the last rate was imposed, some years ago, the landlord of several of the occupants rated sent over to Brading a professional adviser, for the purpose of ascertaining whether the rate could be resisted; but the evidence of the power was found to be so strong, that it was submitted to without legal proceedings.

The inhabitants are liable to the county rates.

Funds.

35. The Expenditure and Receipts are so insignificant, that I shall give them for the last year only.

Revenue.

The Revenue was as follows:—

	£.	s.	d.
Fee-farm rent	1	8	4
Town rents	3	–	9
Fines on commencing business	–	16	8
Annual payments for carrying on trades	–	19	6
Keeping shops	–	2	8
Acting as victualler	–	10	–
£.	6	17	11

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Fee-farm rent. The Fee-farm Rent is collected from every field within the borough, and from some of the buildings. It does not appear quite clear how this originated; there is a fee-farm rent, larger in amount, paid over to a private individual, who purchased it of the Crown in the last century, and there are records of grants of the fee-farm of the borough to different persons in early times. Perhaps the fact may be, that the corporation, owing the rent to the Crown, assessed it on the lands, and that some of these lands have by neglect, or possibly by the union of two or more fields into one, gradually obtained an exemption from the charge.

Town Rents. The Town Rents consist of quit rents paid for some few hereditaments belonging to the corporation, and of a sum of 1 *l.*, which is paid by a schoolmaster for the right to use the town hall, subject to a right, on the part of the corporation, to use it from time to time when wanted. This town hall stands on the soil of the corporation. The leases are usually for 99 years, most of them being building leases; the grant is under the corporation seal; in some cases it is in the name of the bailiffs, jurats and burgesses, and the reservation to the same; in other cases, the grant is by the bailiffs, with the assent and consent of the jurats and burgesses, with a reservation to the bailiffs and their successors, and covenants by the bailiffs and their successors. The signature of the bailiffs is attested usually by the leet jury, and the steward. It seems that if any lease were renewed on a fine, this sum would be considered as a perquisite of the bailiffs for the time being; the last instance which I found was a renewal, upon a fine of 13 *l.*, of a lease for 99 years, which had run 19 years. This renewal took place in 1750.

Fines on commencing business. Upon any one beginning to keep a shop in the town, he pays to the corporation the sum of 3 *s.* 4 *d.*

Payments for carrying on trades. Every person carrying on a trade pays an annual sum to the corporation. The highest sum paid is 2 *s.*, which is the payment by a baker; the lowest is 4 *d.*, which is paid by carpenters and coopers.

Annual payments for keeping shops. Every shopkeeper pays 4 *d.* per annum to the corporation.

Annual payments for acting as victualler. Every victualler pays 3 *s.* 4 *d.* per annum to the corporation.

Fines. The Fines imposed by the leet jury are also paid into the corporation funds. These amount to a very few shillings in the course of the year, and are not entered in the accounts.

Expenditure. The Expenditure of the same year was as follows:

	£.	s.	d.
Fee-farm rent	2	13	4
Steward's salary	1	1	–
Deputy steward's salary	1	–	–
Expenses of annual dinner	5	–	–
£.	9	14	4

Explanation. The first of these items has already been explained in this section in the account of the revenue, the second in the 23d section, the third in the 24th section, the fourth in the 20th section.

Repairs. Any trifling Repairs, required for the corporation property, would probably be defrayed by the bailiff; but when the sum is at all considerable, it is levied by a rate, as explained in the 34th section.

The accounts are kept by the bailiff, and annually entered in the corporation records.

State and Prospects of the Town. 36. The following Table relates to the whole Parish of Brading:

Population 1801.[a]	Population 1811.[a]	Population 1821.[a]	Population 1831.[b]	Inhabited Houses 1801.[a]	Inhabited Houses 1831.[b]
1,529	1,218	2,023	2,227	247	338

I have no means of distinguishing the numbers within the borough from those in the extra-burgal part of the parish; but the whole of the town is within the borough, and, although the rest of the parish is extensive, it is not thickly inhabited. The whole parish furnishes 85 county votes, of which 19 are within the borough.

The inhabitants of the town are principally petty shopkeepers. The harbour of Brading comes within about half a mile of the town, and brigs of a moderate size can enter the harbour. But it is nearly dry at low water, and it does not appear that its existence has the slightest effect upon Brading. One unsuccessful attempt at least has been made to exclude the sea from the area of the harbour. There is no manufacture in the town, and it is very little affected by the rapid increase of small summer residences which is taking place in many parts of the island. The very little importance which it possesses is not likely to be either increased or diminished.

Local Acts. 37. There are no local Acts relating to the town.

Document. 38. I send a translation of the grant or Charter of Edward the Sixth.

T. F. Ellis, jun.

[a] Marshall's "Account," &c. p. 28, No. 1,461. [b] Census of 1831.

REPORT

ON

THE CITY OF CANTERBURY.

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CITY OF CANTERBURY.

1. THE City of Canterbury is a county of itself; it is accurately laid down in the map of the Boundary Commissioners. The liberties of it comprehend 12 entire parishes, and parts of other parishes. The 12 parishes are, All Saints, St. Alphage, St. Andrew, St. Mary-Bredin, St. Mary-Bredman, St. George the Martyr, St. Margaret, St. Mary Magdalen, St. Mildred, St. Mary Northgate, St. Peter and St. Martin. There is some dispute as to a manor within the last-named parish being within the jurisdiction of the city. Parts of the parishes of St. Paul and of Holy Cross Westgate are within the city: the principal part of the former parish, called the borough of Longport, is in the county of Kent. The whole of the above 14 parishes are within the provisions of the Act for the maintenance of the poor. A small part only of each of the following parishes is within the liberties: St. Stephen, or Hackington, Fordwich, Patrixbourne, Littlebourn and Nackington; there is some doubt whether any part of Sturry is within the liberties; if any part be, it is merely a small portion of the river. There are several precincts locally situated within the city, which are not within its jurisdiction; these are, the pricinct of Christ Church, which comprehends the cathedral and an area round it, the site of what was once the Archbishop's palace, which is near the cathedral and almost in the centre of the town, the ville of St. Gregory, the site of St. Augustine's Monastery, Stablegate, the precinct of the Castle, East-bridge Hospital, St. Lawrence's Hospital, St. John's Hospital and the Black Prince's Chauntry. There is at present some doubt whether or not the following precincts be within the city: White (or Austin) Friars, Black Friars, Grey Friars, Poor Priest's Hospital, Priory of St. Sepulchre, Lochendale's Chauntry and the manor of Caldecot. The city magistrates and some of the county magistrates agreed, 10 years ago, to institute an inquiry for the purpose of ascertaining within what jurisdiction the last-named places are. This has never been brought to a termination; but the former justices state that there is little doubt that all of them, except White Friars, are within the liberties of the city. In several of them the city functionaries alone exercise jurisdiction. The Poor Priest's Hospital contains the workhouse and city Bridewell. The boundaries of White Friars are well known; the area comprised is rather more than one acre. The walls of the city are easily traced; the liberties extend far beyond them in several directions. The area within the walls forms no particular district for any purpose, except the operation of the Act for paving, watching and lighting the town. Limits of the City.

The Parliamentary Borough takes in, besides the city and all the above precincts, the borough of Longport and parts of the parishes of Holy Cross Westgate, and St. Dunstan, and a very small portion of St. Stephen.

2. Henry 2 granted a Charter, which is without date. The principal grants in this charter are the following. That none of the citizens shall plead without the walls of any pleas but those of outward tenures, except the moneyers and servants of the Crown. They are to have quittance of murder within the city and in portsoke, and none of them is to wage battle. They are to be quit of toll and lastage throughout England and the ports of the sea. Burghmote is to be holden only once in 15 days. Pleas are to be held at Canterbury of all debts contracted there, and of recognizances made there. There is a grant of exemption from several liabilities and exactions, which have long been obsolete, and of all the liberties which the citizens had in the time of Henry 1. First Charter of Henry 2.

3. Henry 2 granted a second Charter, bearing date the 19th of October, in the 18th year of his reign. This charter contains a grant of the city in fee farm, at a rent of 60*l.*, to be paid half yearly into the Exchequer. It also grants that the citizens shall choose their own bailiff from amongst themselves yearly for ever. Second Charter of Henry 2.

4. Henry 3 granted a charter, dated the 4th October, in the 40th year of his reign. This is a confirmation of the first charter of Henry 2, which it sets out. First Charter of Henry 3.

5. Henry 3 granted a second Charter, dated the 4th of October, in the 40th year of his reign. This grants to the citizens that they or their goods in the power of the Crown shall not be arrested for any debt of which they are not the sureties or principal debtors, unless the debtors themselves have goods of their own, by which they can satisfy the debt in the whole or in part, and the citizens fail in justice to the creditors. Second Charter of Henry 3.

6. Henry 3 granted a third Charter, bearing date the 21st October, in the 40th year of his reign. By this, the citizens are to have the return of all writs within the city and liberties. No citizen is to plead without the walls of any pleas, except pleas of foreign tenures; they are not to be convicted by foreigners upon any appeals, trespasses or forfeitures, but only by their fellow citizens, except the community be in fault or the matter concern the city. No one of the city or portsoke is to be imprisoned any where but in the city, nor judged elsewhere. No sheriff, constable or bailiff is to make any summons or distress for the debts of the Crown, or of any other matters belonging to the city, except in default of the bailiffs of the city. No stranger is to make forestal in the city. Third Charter of Henry 3.

7. Edward 1, by a Charter dated the 20th of September, in the 26th year of his reign, confirmed the second charter of Henry 2, mentioned in sect. 3, and the two charters of Henry 3, mentioned in sect. 4 & 6, all of which are set out. Charter of Edward 1.

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Charter of Edward 2.

8. Edward 2 granted a Charter, bearing date the 10th of April, in the 10th year of his reign. This charter mentions the great concourse of merchants in the city, and grants a seal for recognizances of debts, to be taken jointly by the mayor, or some other discreet citizen, and a person appointed by the Crown.

Charter of Edward 3.

9. Edward 3 granted a Charter, bearing date the 6th of April, in the 22d year of his reign. This charter sets out and confirms the charter of Edward 1. It also grants an exemption from any interference within the city by the steward, marshal or clerk of the market, or any other officer, of the Crown, with a proviso, that the King's chancellor, treasurer or chief chamberlain, shall, on coming into the city, have power to inquire once or twice in the year into its defects, and to correct them. All actions arising within the city are to be held before the bailiffs.

Charter of Richard 2.

10. Richard 2, by a Charter dated the 8th of February, in the third year of his reign, confirmed the preceding charter of Edward 3, which is set out.

First Charter of Henry 4.

11. Henry 4 granted a charter, bearing date the 5th of December, in the first year of his reign. This charter recites several liberties granted by the preceding charter; it then grants to the bailiffs of the city cognizance of all pleas, and all fines and americaments and other profits arising therefrom, to the use of the bailiffs and citizens, in aid of the payment of 60 *l.*, excepting pleas upon actions within the hamlet of Stablegate, parcel of the ville of Westgate, which is of the fee of the archbishop.

Second Charter of Henry 4.

12. Henry 4 granted a second Charter, dated the 5th of May, in the fourth year of his reign. This charter states that the citizens had begun to fortify the city with a wall of stone and with a ditch, and that, on account of the city being situated near the sea, and, as it were, a port and entrance by which foreigners came into the kingdom, it the more required fortification. It then grants to the citizens power to hold lands of the value of 20 *l.* a year within the city, for the assistance and construction of the wall and ditch, notwithstanding the statute of mortmain and the city being held in free burgage of the Crown, provided this could be arranged without loss or prejudice to the crown or any other person. It gives them liberty also to build upon all the lands and vacant places and wastes within the city and suburbs, and to hold them for their assistance and relief, without the impediment of the Crown.

Third Charter of Henry 4.

13. Henry 4 granted a third Charter, dated the 14th of August, in the 10th year of his reign. This contains the same grant as the preceding charter, in nearly the same words.

First Charter of Henry 5.

14. Henry 5, by a Charter dated the 10th of October, in the second year of his reign, confirmed the first charter of Henry 4, mentioned in sect. 11, which is set out.

Second Charter of Henry 5.

15. Henry 5 granted another Charter, dated the 12th of November, in the second year of his reign. This contains all the same grants as the charter of Henry 4, mentioned in sect. 11, with a further grant that the citizens shall be free from prisage of wines.

Third Charter of Henry 5.

16. Henry 5 granted a third Charter, dated the 11th of December, in the ninth year of his reign. This contains a recital of all the liberties granted in the first charter of Henry 2, mentioned in sect. 2; of those in the third charter of Henry 3, mentioned in sect. 6; of those in the charter of Edward 3, mentioned in sect. 9; and of those in the first charter of Henry 4, mentioned in sect. 11, the whole of which it confirms.

First Charter of Henry 6.

17. Henry 6, by a Charter dated the 22d of June, in the third year of his reign, confirmed the first charter of Henry 5, mentioned in sect. 14, "by the advice of the Lords Spiritual and Temporal in Parliament assembled." The charter of Henry 5 is set out.

Second Charter of Henry 6.

18. Henry 6 granted a second Charter, dated the 22d of August, in the 26th year of his reign. This charter recites the great antiquity of the city, and that it had been, from time immemorial, incorporate of two bailiffs and a commonalty. It then directs the citizens and commonalty to choose annually a mayor, instead of the two bailiffs, who is to appoint serjeants-at-mace. The serjeants-at-mace are to have the return of all writs and warrants, and the execution of them within the city and liberties. There is a *non intromittent* clause as to sheriffs and other officers of the Crown. The mayor is to govern the city, and to hold a court in the Guildhall, and to have cognizance of all pleas, real and personal, in the same manner as the bailiffs had. The mayor and his successors are to be justices of the peace, with authority to hear and determine felonies and other matters, as fully as justices of a county. Persons indicted are to be arrested by the serjeants, and committed to the city gaol, until delivered by the mayor. The justices of the county are not to interfere within the city. Indictments in the county against the citizens and inhabitants, for any cause arising within the city, are to be void. Authority is given to the mayor, by himself or his serjeants, to attach persons, whose goods are not sufficient, by their bodies, in all personal actions brought before the mayor in the Guildhall on Mondays and Thursdays. The mayor is to have cognizance of writs to levy fines. The mayor and commonalty are not to be compelled to be impannelled upon juries out of the city; nor is any foreigner to be impannelled with the citizens. The mayor may appoint one of the aldermen to be his deputy. The mayor and aldermen may make bye-laws, and may assess and levy tallages, for the exigencies of the city, upon the rents, crafts, merchandizes and goods, of the inhabitants. The mayor may compel any of the inhabitants, by fine and imprisonment, to assit him with their counsel, such fines to be to the use of the city. There is a grant to the mayor and commonalty of the office of coroner within the city and liberties, with a *non intromittet* clause as to the county coroner.

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19. Henry 6 granted a Charter, dated the 5th of May, in the 31st year of his reign. This charter, after adverting to an Act of Parliament of Resumption, and stating that doubts had arisen as to the operation of this Act upon the liberties granted by him to the city in the preceding charter, ordains that that charter shall be in as full force as if the Act had not been made. The citizens are to choose their mayor as they had been accustomed to do, or as the citizens of London chose theirs. The mayor, with the assent of the aldermen, is to elect a bailiff annually, who is to have the return and execution of writs, and to be responsible to the Crown in the Exchequer for the fee-farm rent of the city. The mayor is to have cognizance of all pleas, real and personal, in the Guildhall, and the execution of them by his officers. No sheriff, coroner, or other minister of the Crown, is to intermeddle, except in pleas arising in Stablegate, which is of the archbishop's fee. The mayor and his successors, a person learned in the law, and four, three or two, aldermen, to be called by the mayor, are to be justices of the peace for felonies and various offences specified. There is a grant and confirmation to the mayor and commonalty of the gaol of Westgate. The justices, above specified, are to be justices of gaol delivery. The mayor and commonalty are to have *infangthef* and *utfangthef* within the liberties. The mayor and his successors are to be justices to embody the citizens in case of an invasion, and to punish those who do not obey him: the King's justices are not to intermeddle. There is a grant of a fair annually. There is a saving of the jurisdiction of the Archbishop of Canterbury, of the prior and convent of Christ Church, and of the abbot and convent of the monastery of St. Augustine.

Third Charter of Henry 6.

20. Edward 4 granted a Charter, dated the 2d of August, in the first year of his reign. This charter sets out, by *Inspeximus*, the charter of Richard 2, mentioned in sect. 10; it also recites the charter of Henry 4, mentioned in sect. 11, and the two charters of Henry 6, mentioned in sect. 18 & 19 respectively. It then confirms all the privileges. It grants that, on the death of the mayor, or in his absence without a deputy, the citizens may elect another for the remainder of the year. The mayor and aldermen are to elect a coroner. It then mentions the poverty of the city, and releases 16*l.* 13*s.* 4*d.* of the fee-farm rent. The citizens are to have allowance at the Exchequer of the remainder, on paying 30*l.* to the heirs of a person mentioned, and 20 marks to the hospital at Harbledown. The mayor and commonalty are to have all fines and amerciaments, levied before the justices of the peace, and for licence of concord before the mayor, in aid of this payment. The city, with the suburbs mentioned, and others then or formerly within the liberties, except Stablegate and the Castle, all of which were then part of the county of Kent, are to be one county, by the name of "The County of the City of Canterbury." The bailiff of the city for the time being is to be sheriff of the county of the city. The mayor is to certify every year to the Exchequer the sheriff's admission to office. The sheriff is to hold a court every month, and to have the same powers as sheriffs of counties, and the return and execution of all writs. No other sheriff is to intermeddle. The sheriff may account to the Exchequer by attorney. The coroner of the city is to be coroner of the county of the city, with the same powers as other coroners of counties. The mayor and commonalty are not to be made assessors or collectors of tallages out of the city. The mayor is to be escheator, and to have all the profits of that office, excepting lands and tenements belonging to the Crown, in aid of the payment of the remaining fee farm rent of 43*l.* 6*s.* 8*d.* On the death, or removal, of the bailiff in his year of office, the mayor, with the assent of the aldermen, may elect another, who is to be sheriff of the county of the city until the Michaelmas following.

Charter of Edward 4.

21. Henry 7, by a charter dated the 29th of November, in the third year of his reign, confirmed the preceding charter of Edward 4, which is set out.

First Charter of Henry 7.

22. Henry 7 granted another charter, dated the 13th of June, in the 13th year of his reign. This is intituled, "*Nova Ordinatio Civitatis Cantuariæ.*" After reciting, that differences had arisen about the election of a mayor and other officers, and that supplication had been made to the King to provide a remedy, the charter establishes these ordinances. The mayor and six aldermen are empowered to choose out of the common council six more aldermen to be added to their body. In future there are to be one mayor and 12 aldermen, the latter only to be eligible to the office of mayor. There are to be only 24 common councilmen instead of 36. The mayor and aldermen are to name two aldermen to be in election, one of whom the common council and citizens are to elect as mayor. In case of death, or departure from office, of an alderman, the mayor and aldermen are to elect another from the common council. The common council are to elect into their own body on a vacancy. All issues, fines, amerciaments, profits and emoluments, are to be levied by the chamberlain, and expended to the use of the city, and not otherwise. The mayor is to have 20*l.*, and no more, out of the chamber of the city for the sustentation of his office. The chamberlain is to exonerate the mayor and sheriff and the city from payment of the fee-farm rent, and of all other charges, except that the mayor shall bear the charges in meat and drink for the common clerk, serjeants-at-mace, and keeper of the prisons. There is a provision as to the liability of sureties. In the election of chamberlain, town clerk, attornies, common pleaders, serjeants-at-mace, gaol keeper, and tollenger, he "who shall have the majority of voices in respect of the minority of the mayor and aldermen, and the majority of those who are of the common council," shall be admitted into the office. The chamberlain is to account annually before the mayor, aldermen and common council, or auditors appointed by them.

Second Charter of Henry 7.

23. Henry 8, by a Charter dated the 24th of April, in the 13th year of his reign, confirmed the first charter of Hen. 7, mentioned in sect. 21, which is set out.

Charter of Henry 8.

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Statute 34 & 35 Henry 8, c. 18.

24. By an Act of Parliament, 34 & 35 Hen. 8, c. 18, the mayor and aldermen are to enjoy all the liberties granted to them by the King or his progenitors. Provision is made respecting apprentices. No persons, being foreigners and not being free citizens of the city, are to exercise trade without the license of the mayor and aldermen; but this is not to extend to the buying and selling of provisions.

Charter of Edward 6.

25. Edward 6, by a Charter dated the 8th of May, in the second year of his reign, confirmed the charter of Henry 8, mentioned in sect. 23, which is set out.

Charter of Elizabeth.

26. Elizabeth, by a Charter dated the 20th of October, in the first year of her reign, confirmed the preceding charter of Edward 6, which is set out.

Charter of James 1.

27. James 1 granted a Charter dated the 8th of September, in the first year of his reign. This, being the latest operative charter, conferring important privileges, is considered the governing one; but many of the most important powers and privileges of the corporation are derived from previous charters, the charter of James not noticing them. Some of its provisions, not afterwards mentioned, will be noticed here. The chamberlain is to be chosen out of the aldermen, and the sheriff out of the common council. The aldermen and common council are to be the assistants of the mayor in the business of the city. The election of aldermen and common council is prescribed, as mentioned in sect. 37 & 38. The mayor and aldermen are to make bye-laws. A recorder is appointed, who is, on future vacancies, to be elected by the mayor and aldermen, the mayor being one. The mayor, recorder, and such aldermen as shall have served the office of mayor, are to be justices of the peace. The mayor, recorder and two of these aldermen are to hold quarter sessions, with cognizance of murders, felonies and other offences. There is a confirmation of a grant of Henry 6, giving power to the mayor and aldermen to tax the inhabitants for the use of the city. No stranger is to exercise trade without the leave of the mayor and aldermen. The mayor and town clerk are to take cognizance of debts. There is a power to hold lands to the value of 40*l.* a year.

Charter of Charles 2.

28. Charles 2 granted a Charter, dated the 8th of November, in the 36th year of his reign. This charter has not been acted on since the reign of William 3. It was most probably granted on a surrender of others, and afterwards renounced. Nothing was known of the circumstances connected with it. It contains the usual clauses of charters of this period, such as those reserving to the Crown power to remove the officers.

Charter of George 3.

29. George 3 granted a Charter on the 18th of August, in the 6th year of his reign. This grants to the corporation the privilege of holding a hop-market toll-free.

Title of Corporation.

30. The Corporation is intituled in the charter of James 1, "The Mayor and Commonalty of the City of Canterbury."

Officers in the Charters.

31. The Officers mentioned in it, or in the charter of Henry 7, are

Mayor	1
Recorder	1
Aldermen (exclusive of the mayor)	12
Common Council	24
Sheriff	1
Chamberlain	1
Town Clerk	1
Coroner	1
Sword-bearer	1
Serjeants-at-Mace	4
Keeper of Gaol	1
Tollenger	1

Other Officers.

32. The Officers not mentioned in either of these charters, but whose appointment is derived from the corporation, are

Clerk of the Chamber	1
Serjeant of the Chamber	1
Billet-master	1
Crier	1
Mace-bearer	1
Water-bailiff	1
Blower of the Burghmote Horn	1
Pound-keeper	1
Inspector of Conduit	1
Feyrers	4
Constables	6
Borsholders	6
Sheriff's Bailiff	1

Freemen.

33. The number of Freemen was supposed to be, in 1830, about 2335, of whom 1278 were resident within the city; 1988 polled at an election of Members of Parliament in that year.

Mayor, election of.

34. The charter of James 1 directs that the nomination, election and swearing, of the Mayor shall be done at the same times, and places, and in the same manner, as in former times. He is, in practice, elected by the resident freemen from two aldermen, nominated to them by the mayor and aldermen. This mode of election is directed by the charter of Henry 7; there seems to be no provision in any of the later charters.

On

On the 4th of September, the day of election, the sheriff, town clerk and one of the common councilmen are sworn as triers. The senior common councilman present, who has never acted as trier before, is sworn such as a matter of course. The three retire into a room, into which the mayor and each of the aldermen, separately by turn, go, and vote for one alderman to be put in nomination to the freemen. The triers then declare which of the aldermen has a majority of votes. The same process is gone through for the other alderman to be put in nomination. Some years ago there used to be a meeting of the aldermen the evening preceding the day of election, at which it was arranged what two aldermen should be put in nomination; the freemen were always informed the next morning, and a canvass often took place: this has been discontinued. It was also the custom to put in nomination the two senior aldermen who had not served the office of mayor; or, if all had served, the two senior who had not served twice: but this has also been in a great measure discontinued. The reason, assigned for putting in nomination persons who had not served the office of mayor, was, their not becoming magistrates until they had served. The votes are now seldom or never all given to the same persons. Some of the aldermen stated, that the political opinions of individuals were the principal consideration in giving the votes, each person generally voting for an alderman of his own political party. This, however, has not been altogether the case, as it is generally so managed that one of each party is nominated. It was thought that the two parties were nearly equally balanced amongst the aldermen, and some compromise probably takes place between them.

As soon as the two persons to be nominated have been determined upon, the sheriff declares their names to the freemen in the hall; a show of hands is then taken, and a poll, if any one demands it, which is almost always the case. The poll is taken by the sheriff on the hustings, at the end of the hall, in the same manner as on the election of Members of Parliament. The aldermen and common councilmen vote at this election; the number of voters is usually between 500 and 600. Money is always given at these elections to such voters as choose to take it. The usual sum to each voter used to be 1 *s.*, it is now 2*s.* 6*d.* Sometimes the regular price is not adhered to; 1*l.* has been occasionally given for a vote. One of the aldermen stated, that his election, as mayor, cost him above 70 *l.*, and that his friends also paid a large sum for voters in addition; above 600 freemen voted for him. The contest amongst the freemen is frequently a political one, particularly about the time of an election of Members of Parliament, or when any political question happens to excite an interest amongst them.

At the election of mayor in 1832, a considerable feeling of disappointment was created amongst the freemen, on account of a particular alderman not having been put in nomination; the person wished for was the junior alderman, and had never served the office of mayor. In order to prevent any election from being come to, a large body of freemen stationed themselves upon the hustings, and, whenever any other freeman gave a vote for either person in nomination, one of this body gave a vote for the other. This plan was persevered in so long as any votes were given; and at last the sheriff was obliged to declare an equality of votes. Each person in nomination had 96 votes. The persons, who had engaged in this scheme, were so numerous, that it was impossible to defeat it. It was stated that an individual had offered 1 *l.* to any one, who would vote as he wished, but that no one accepted the offer. Some persons stated that this body of freemen had crowded the passages to the hustings so closely, that freemen who wished to vote were either afraid, or unable, to go up to the poll. This assertion, however, was denied by several persons, amongst whom was one of the serjeants-at-mace, who stated that persons might have got up to vote at any time. The sheriff stated that the crowd was very great, and that he several times ordered passages to be cleared, but that he did not believe any one that was unable to get to vote, nor that the crowd was greater than it had been at many previous elections. The poll is generally kept open until 10 o'clock at night; on the occasion just referred to, it closed about 11. The poll commences about 4 o'clock in the afternoon; the reason of its being kept open so late is, that freemen may be enabled to vote, who have business to attend to during the day. On the day following the one on which the equality of votes had taken place, the mayor and aldermen went to another election of two persons to be put in nomination; the result of this was the nomination of the junior alderman, who, it was understood, had been wished for the day before by the majority of freemen, and of one of the aldermen nominated the preceding day. An election by the freemen then took place, at which the former was elected, and he was afterwards sworn into office. A *Quo Warranto* was afterwards obtained in the Court of King's Bench, on the application of one of the aldermen, calling upon him to show by what right he exercised the office of mayor. No judgment upon this has taken place. A short time ago an agreement was entered into by the prosecutor on the one side, and the governing body of the corporation on the other, that all proceedings should be stayed, each party undertaking to pay his own costs. Those of the mayor have been in part paid out of the corporation funds, the proceedings in defence of his election having been conducted by the town-clerk by order of the governing body.

It was supposed that 40 *l.* or 50 *l.* had been expended by one of the persons put in nomination in 1833. The crier went about the town proclaiming that 2*s.* 6*d.* and a pint of ale would be given to every freeman who voted for this person; the other person put in nomination was not known to give any money, but he was elected by the freemen. One individual, who had been a resident freeman 16 years, stated that he had never voted at an election of mayor, on account of the system of bribery which invariably took place; he admitted that he had voted at elections of Members of Parliament, but assigned, as a reason for not declining to do so, his belief that money was not given to the voters until after the election,

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which he seemed not to consider bribery. The mayor has always been resident locally within the city, though in one instance he resided within one of the precincts out of the jurisdiction of the city. By the charter of James 1, no person is to be elected mayor unless he be a naturally born subject of the kingdom of England. After the expiration of his office he resumes his former place amongst the aldermen.

The present mayor has served the office twice before.

Deputy Mayor, appointment of.

35. Power is given to the mayor, by the charter of Henry 6, confirmed by later charters, to appoint a Deputy Mayor on any occasion of his absence from the town. The appointment is made under seal; it continues only during the particular absence. This power is very rarely executed. It is usual for the mayor, before leaving the town, to ask one or two of the aldermen to undertake his duties during his absence; but no appointment of deputy is made.

Recorder, election of.

36. The Recorder is to be elected by the mayor and aldermen, or the greater part of them, the mayor being one, to hold office during their pleasure. He is to be learned in the laws of England. The recorders have always been barristers. The present recorder was elected in 1807; he is a King's counsel, practising at the Chancery bar, and resides in London. When elected, he was in the habit of attending the quarter sessions and assizes for the county, and had a house within the city, in which he resided a few months in the year.

Aldermen, election of.

37. The Aldermen are elected from the common council by the mayor and aldermen. The form of election is prescribed by the charter of James 1, and is pursued in the following manner. The mayor first proposes a common councilman, and the sense of the meeting, composed of the mayor and a majority of the aldermen, is taken as to the election or non-election of the person proposed. If a majority of those present vote against the election, the senior alderman present proposes a common councilman, and, if he be rejected, the alderman next in seniority proposes, and so on, until some person proposed has a majority of votes. In practice, the person proposed by the mayor is generally elected, the exception not occurring oftener than once in five times. It is usual for the mayor to propose a person of the same political opinions as himself. When the person proposed by him has been rejected, it has sometimes been from political grounds, sometimes from objections to the particular individual. Vacancies have seldom been allowed to continue more than two months. No election can take place until the mayor has called a meeting for this purpose. There is generally a wish, on the part of common councilmen, to be elected aldermen, but no canvass takes place. It is not known beforehand whom the mayor intends to propose, except it be by the person proposed, whose wishes the mayor probably ascertains previously. The aldermen must be sworn before the mayor.

There are two or three instances at present of relationship amongst the aldermen; but it was thought that this relationship had not been the cause of their election into the body, no proposal by a relation having taken place in any of these instances. Religious tenets seemed to have formed no ground of exclusion from this body: dissenters from the church were elected into it almost immediately after the repeal of the Test and Corporation Acts.

Each alderman, after his election, is sworn into a particular ward. There are six wards, and two aldermen to each ward. The mayor, on election, vacates his ward; and each alderman, according to seniority, has the choice of changing his ward for the one vacated, and so for any one vacated by a change. The ex-mayor takes his choice according to his seniority as alderman; if no change be made, he succeeds to the ward of the newly-appointed mayor. An alderman, on changing his ward, is sworn into the ward to which he removes. Residence within the ward is not necessary.

Aldermen, on ceasing to reside within the jurisdiction of the city, have generally resigned their offices. All the present aldermen are resident.

The charter mentions the amoval of aldermen, but gives no power of it to any body.

Common Councilmen, election of.

38. The Common Council are elected from the freemen by the Common Council. The charter directs the election to be from the "citizens and freemen." This is understood to mean resident freemen; non-residents are never elected.

The mode of election is by proposal, precisely in the same manner as that of aldermen, mentioned in the preceding section. According to the charter, the sheriff, who, as will be seen, is a member of the common council, first proposes a freeman for election; if his proposal be rejected, the recorder, if he happen to be a common councilman, proposes, and after him the common councilmen according to seniority. No election can take place until the mayor has called a meeting for this purpose. The persons must be nominated, elected and sworn, before the mayor.

All the same observations apply to this election as to the election of aldermen, mentioned in the last section. There is the same assent given to the sheriff's proposal, as was mentioned to have been given to the mayor's in the election of aldermen. Political opinions influence the two elections equally. There is no canvass by the freemen, nor any previous knowledge as to the person to be proposed. It was thought to be not uncommon for persons to decline the offer made to them of being proposed. In some instances persons have refused to take the office after election; but this has happened less frequently of late years than formerly. The objection, when it occurs, arises from the necessity of having to attend burghmote courts, and from the expense attendant upon some of the other offices, to which common councilmen may be elected. Religious tenets form no ground of exclusion: dissenters from the church were elected into the common council almost immediately after the repeal of the Test and Corporation Acts. There are instances of relationship amongst some of the members of the body.

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The common councilmen have generally been resident, persons having usually resigned their offices on going to reside out of the jurisdiction of the city. There are, however, at present four non-resident common councilmen. It was stated that considerable inconvenience was experienced from the non-residence of these persons, as it frequently occasioned a great difficulty in procuring a sufficient number to attend for the purpose of holding a court of burghmote, a majority of the body being necessary.

The charter notices the amoval of common councilmen, but gives no power.

Sheriff, appointment of.

39. By the charter of James 1, the Sheriff is to be chosen out of the common council, "as had been before that time customary." The office was created by the charter of Edward 4, but nothing is said in it as to the mode of election, except that the bailiff is to be sheriff of the county of the city. The appointment of the bailiff is directed by a charter of Henry 6, recited and confirmed by the charter of Edward 4. According to that charter, the mayor, by the advice and assent of the aldermen, is to choose annually one of the citizens to be bailiff, and the appointment of sheriff follows this direction. On the day on which the mayor is sworn into office, he and the aldermen, attended by the town clerk, retire into a room, and the mayor proposes a common councilman as sheriff. Each alderman is then asked, if he have any objection to the person so proposed; if a majority of the aldermen do not object, the person proposed is appointed. In practice no objection is ever made; if a majority were to object, the mayor would propose another. This appointment is nearly always made from political considerations, inasmuch as the sheriff has the privilege of first proposing a freeman for election into the common council, as mentioned in the preceding section. The appointment, therefore, of a political friend as sheriff renders very probable the election of one into the common council, in case of a vacancy. Sometimes, however, as was said to be the case last September, private friendship produces a variation from this practise.

Chamberlain, election of.

40. By the charter of James 1, one of the aldermen, chosen in the accustomed manner, is to be Chamberlain. By the charter of Henry 7, he who has "the greater part of the voices, in respect of the lesser part, of the mayor and aldermen, and the greater part of those who are of the common council," is to be elected chamberlain. The mode of election seems to have been, to take the vote of each member of these bodies, beginning with the junior common councilman: when all have voted, it is ascertained whether any one has a majority of the members of both bodies then present. The entries in the books of the two last elections state that the person elected had such a majority. It was not known what would be done in case of a disagreement between the two bodies. The mayor must be present at the election. The office is for life.

The present chamberlain was elected in 1824. There had been a canvass previously, and there was a close contest between two candidates, but it was not made a political one. The chamberlain, upon his election, is required to give a bond, with two sureties, for the proper discharge of the office. The penalty of the bond given by the present chamberlain is 2,000*l.*

Town Clerk, election of.

41. The Town Clerk, according to the charter of Henry 7, the only one which prescribes the form of election, is to be elected by a majority of the mayor and aldermen and a majority of the common council. Although the election to this office is directed by the same clause of the charter as that of chamberlain, the same form does not appear to have been followed. The votes of the three bodies are taken, and the person who has a majority of the aggregate number is elected. The entries in the books, from a very early period, state him to be elected by the mayor, aldermen and common council, or a majority of them. It was stated to be always the practice to elect one of the common councilmen town clerk. He has always been an attorney. It was not known whether, in case there were only one attorney in the common council at the time of a vacancy, he would be elected as a matter of course. When the present town clerk was elected, there were two attornies members of the common council, and there was a contest between them. The principle seems an objectionable one. The present town clerk was elected in 1818. The office of coroner has always been held by the town clerk.

Coroner, election of.

42. There is no mention made of the election of Coroner in any charter since that of Edward 4, except so far as the latter is confirmed by subsequent charters. According to the charter of Edward 4, the mayor and commonalty, or the major part of them, are to elect a coroner. In practice, he is elected by the mayor and aldermen. By an entry in the burghmote book of the time of Elizabeth, it appears that a coroner was elected by the mayor and aldermen, with the consent of the court of burghmote. The offices of coroner and town clerk have always been held by the same person.

Sword Bearer, appointment of.

43. The Sword Bearer is appointed by the mayor; the office is a permanent one; a freeman is always appointed.

Serjeants at Mace, appointment of.

44. The Serjeants at Mace, according to the charter of Henry 7, are to be appointed by a majority of the mayor and aldermen, and a majority of the common council. In practice, no separate election is made by these two bodies. The office is an annual one, but the same persons are always resworn, no new election taking place. They are always freemen.

Keeper of Gaol, appointment of.

45. The Gaol Keeper is to be appointed in the manner described in the election of chamberlain, mentioned in sect. 40. In practice, the election takes place by the mayor, aldermen and common council jointly. It has been usual to require the gaol-keeper, on his appointment, to enter into a bond with sureties, for indemnification of the sheriff. The present gaoler has not yet done so, but has had notice given him to enter into a bond to the sheriff, with sureties, to the amount of 1,000*l.*

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Tollenger, election of.

46. The Tollenger is directed to be elected in the manner mentioned in section 40. No appointment to this office is made at present, as the markets are let on lease.

Other Officers, election of.

47. The following officers are all elected and appointed by the mayor, aldermen and common council, assembled at meetings called for the purpose. On any division the mayor votes, but he has no casting vote; in case of an equality of votes, another election takes place.

Clerk of the Chamber.

The Clerk of the Chamber. A common councilman is always elected into this office. The present clerk of the chamber was elected in 1828; there had been a canvass, and a contest took place.

Serjeant of the Chamber.

The Serjeant of the Chamber. This appointment is always given to one of the serjeants at mace.

Billet Master.

The Billet Master. The office is at present held by the clerk of the chamber; he was elected into both offices at the same time.

Crier.

The Crier. The same person is always appointed blower of the burghmote horn. He is always a freeman.

Mace Bearer.

The Mace Bearer. This office is a permanent one; a freeman is always appointed. The same person is usually appointed inspector of the conduit.

Water Bailiff.

The Water Bailiff. The appointment to this office is made under the corporation seal. The present water bailiff was appointed in 1829; he is one of the serjeants at mace.

Blower of the Burghmote Horn.

The Blower of the Burghmote Horn. This office is generally held by the crier. A freeman is always appointed.

Pound Keeper.

The Pound Keeper. The lessee of the cattle market holds the office at present: no formal appointment was given to him, but he was told that he might receive the fines for any cattle that he should impound.

Inspector of the Conduit.

The Inspector of the Conduit. This office is generally held by the mace bearer.

Feyrers.

The Feyrers. An appointment of these officers is made every year. Generally two carpenters and two bricklayers are appointed.

Constables, appointment of.

48. A Constable is appointed for each ward at the court leet held for the ward by the two aldermen. The jury present two householders, and the aldermen choose one of them. It is customary for the senior alderman to have the choice. The constable of the ward for the time being furnishes the jury with a list of all the persons whom he has summoned to attend the court: this ought to contain all the householders of the ward. The jury strike from the list their own names and the names of all who have attended the court, those of common councilmen, and those of persons who have served the office of constable before. The remaining names are then put into a hat, from which two are drawn to be sent to the aldermen. In four of the six wards, it is usual for some of the householders to dine together: the name of any person, who gives an intimation that he is going to attend the dinner, is not put into the hat. In another ward, a person avoided the chance of being presented, by sending 1*s.* 6*d.* towards the expenses of a supper, which it was usual for the jury and other householders to have. No authentic list is given to the constable in the first instance, so that there is no check against favouritism of any one by him, except the probability of some of the jury discovering the omission, and supplying the name.

Nothing can be more absurd, unfair or objectionable than this system; the operation of it, in connexion with another circumstance, which will be mentioned in section 79, is very defective. Strong representations of this were made by one or two members of the corporation. The office is seldom served by the person appointed to it: substitutes are generally found, to whom about 25*s.* or 30*s.* are given for their service for the year. In the present year, of the six constables and six borsholders, ten are substitutes. The same persons frequently continue substitutes for four or five years: they are generally found to be persons of a low class of life, occupying houses as weekly tenants. The chief cause of this, which is the circumstance just referred to, was thought to be a clause in the Paving Act, mentioned in section 79.

The person appointed constable attends before the justices the first petty sessions after the appointment, and is then either sworn, or produces a substitute. The justices on this occasion have the power of rejecting an improper substitute, but the system seems to have continued so long, that objections are made only in extreme cases.

Borsholders, appointment of.

49. One Borsholder is appointed for each ward at the court leet of the ward, precisely in the same manner as the constable. It is usual for the junior alderman of the ward to have the choice of the two names presented by the jury for borsholders. All the observations made in the last section are equally applicable to the appointment of borsholder as of constable.

Sheriff's Bailiff, appointment of.

50. The Sheriff's Bailiff is appointed annually by the Sheriff on coming into office, and is sworn at a court of burghmote. He is required to give a bond with sureties to the Sheriff. The same person is frequently re-appointed.

Fees.

51. No Fees are paid by any of the above officers on their appointment. Every alderman, on election, is required to provide two water buckets for the fire engine, and each common councilman one.

52. Until

52. Until recently it has been customary to administer to every one elected into the common council, what was called, an Oath of Secrecy, in addition to the other oaths of office. This oath bound the person to keep all the council and talk, that should be ministered, heard or spoken, within the court of burghmote, without disclosing the same to any one but a member of the court. The oath was abolished in December 1831. Oaths.

53. By an order of a court of burghmote, made in the year 1685, every person, refusing to serve the office of mayor, is to pay a Fine of 100 *l.* No instance of refusal is remembered. Every common councilman, refusing, after election, to fill the office of alderman, vacates his office as common councilman, and pays a fine of 30 *l.* There is also a fine of 20 *l.* for refusing the office of common councilman. The refusals to take office have been much fewer within the last 15 years than previously to that time. The fine is taken upon resignation of any office, unless the resignation be caused by the person ceasing to reside within the city. Fines.

54. The Freedom is obtained by one of the following means: By birth; by marriage; by apprenticeship; by the gift of the corporation; or, by purchase. Freemen, admission of.

Every son of a freeman, born within the liberties of the city, is entitled to his freedom at the age of 21. The father must have taken up his freedom before the birth of the son. The freedoms by gift and purchase always contain a proviso, that no freedom, except by apprenticeship, shall be derived from the persons so enfranchised; the sons therefore of such freemen are not entitled to their freedom. 312 freemen by birth have been admitted within the last 10 years. Freemen by Birth.

Every person, who has married the daughter of a freemen, she having been born within the city, is entitled to his freedom at the age of 21. The same conditions, as to the father's freedom, are requisite, as in the case of the freedom by birth. It is not necessary that the daughter be 21 years old, either at the time of the marriage or of the application for the freedom by the husband. 151 freemen by marriage have been admitted within the last 10 years. Freemen by Marriage.

Every person, who shall have served an Apprenticeship of seven years to a freeman, is entitled to his freedom at the age of 21 years. The master must be resident within the liberties of the city during the whole of this period; but the service need not be performed within them, provided it be a *bonâ fide* service to such resident master. The indentures are required to be enrolled within 12 months from the commencement of the service; if the 12 months be allowed to expire, the enrolment cannot be made without an order of the court of burghmote. It is the master's duty to enrol them, the performance of which duty is enjoined in the oath taken by every freeman on his admission. Service, under an assignment of the indentures, to a resident freeman is sufficient. If the master die, and the executors do not assign the indentures, service to the master's widow for the remainder of the term will entitle the apprentice to his freedom. 152 freemen by apprenticeship have been admitted within the last 10 years. Freemen by Apprenticeship.

The corporation have occasionally given the freedom of the city. In some cases, this has been done as a compliment to persons of rank or distinction; in others, the freedom has been given to persons, who have failed to perfect their right, either from some informality, or under, what have been considered, circumstances of hardship. Eight freedoms have been given within the last 10 years, four of which may be classed under the former of these two sets of cases, being given to persons who have never exercised any of the privileges of freemen, and the remaining four under the latter set of cases. The grant of this freedom contains a proviso, that no freedoms, except by apprenticeship to the person so enfranchised, shall be derived through it. Freemen by Gift.

Any person may be admitted to the freedom on paying the sum of 20 *l.* to the corporation as Purchase-money. There is an order of burghmote, dated the 18th December, in the 19th year of the reign of Elizabeth, that none shall be admitted a freeman of the city, unless he shall pay to the chamber 20 *l.*, and for no less sum, unless he be such as ought to be made free by the orders and customs of the city. This freedom is taken up always on compulsion, no one, except freemen, being allowed to exercise a trade within the city, as will be mentioned in sect. 81. There is the same proviso with respect to derivative freedoms as in the case of freedoms by gift. 281 freemen by purchase have been admitted within the last 10 years. Freemen by Purchase.

Each person must petition the court of burghmote to admit him to the freedom, on which petition he pays a fee of 6 *d.* to the town clerk, and 6 *d.* to the serjeants at mace. The other expenses of admission are as follows: Expenses of admission to the Freedom.

By Birth:	£.	s.	d.
Fee to Chamberlain	–	6	2
— Town Clerk	–	–	4
— Clerk of Chamber	–	2	10
— Serjeant of Chamber	–	1	8
— Serjeants at Mace	–	2	–
Stamp	1	–	–
£.	1	13	–

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By Marriage:	£.	s.	d.
Fee to Corporation	–	–	11½
— Chamberlain	–	6	2½
— Town Clerk	–	–	4
— Clerk of Chamber	–	2	10
— Serjeant of Chamber	–	1	8
— Serjeants at Mace	–	2	–
Stamp	1	–	–
£.	1	14	–

By Apprenticeship:	£.	s.	d.
Fee to Corporation	–	4	1
— Chamberlain	–	6	1
— Town Clerk	–	–	4
— Clerk of Chamber	–	2	10
— Serjeant of Chamber	–	1	8
— Serjeants at Mace	–	2	–
Stamp	1	–	–
£.	1	17	–

There is a fee of 2*s.* 6*d.* paid on the enrolment of each indenture.

By Gift:	£.	s.	d.
Fee to Chamberlain	2	2	–
— Town Clerk	1	1	–
— Clerk of Chamber	1	1	–
— Serjeant of Chamber	–	10	6
— Serjeant at Mace	–	10	6
Stamp	3	–	–
£.	8	5	–

By Purchase:	£.	s.	d.
Purchase-money to Corporation	20	–	–
Fee to Chamberlain	–	6	2
— Town Clerk	–	–	4
— Clerk of Chamber	–	2	10
— Serjeant of Chamber	–	1	8
— Serjeants at Mace	–	2	–
Stamp	3	–	–
£.	23	13	–

Governing Body.

55. The Governing Body is composed of the mayor, aldermen and common council. A meeting of these bodies for the regulation of corporation affairs is called a court of burghmote. This court is held once every month, and oftener, if need be, by adjournment. Every resident member of the court is summoned, two or three days before the holding of the court, to attend; if a person be not resident, notice is left for him at such place within the city as he has himself appointed for this purpose. A fine is imposed on every person who does not attend a court: the fine for a single absence is very trifling, but it increases in geometrical progression, for absences at successive courts, up to 10*l.* for an alderman, and 5*l.* for a common councilman. The whole affairs of the corporation are managed by these courts. If any business require a meeting of the governing body between two monthly courts, and no court stand adjourned, the mayor convenes the aldermen and common council to form with him, what is called, a committee of the house. By these committees any business is transacted, and as they are composed of the same persons as the court of burghmote, their acts are as a matter of course sanctioned by the next court. It has been usual, the first or second court after the swearing-in of the mayor, to appoint the tradesmen to be employed by the corporation during the year. Members of the court have always been appointed for such trades as they happened to exercise. This custom has created dissatisfaction in the town, and seems a very objectionable one, as it makes the tradesmen the examiners of their own and each other's bills. The practice has been recently discontinued. The accounts of the year are examined and passed by committees of the house. By the charter of James 1, power is given to the mayor and aldermen to make bye-laws; but, in practice, all regulations whatever are made by the court of burghmote, no meeting of the mayor and aldermen alone is ever held, except for the purpose of elections already mentioned.

Committees.

56. Besides the Committees of the House just mentioned, it is usual, at the first court of burghmote after the swearing-in of the new mayor, to appoint standing committees for the year for different departments of business. These have generally been, the Committee of Survey

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Survey and Repairs, the Committee for inspecting the Bye-laws and Charters of the city, the Committee for regulating the Markets, and the Masters of the Conduit and Waterworks.

Mayor, functions of.

57. The Mayor must be present at all courts of burghmote and at the elections of all officers, who are sworn in before him. His share in the different elections has been already mentioned.

He is a Justice of the Peace for the county of the city, and, as such, is expected to do nearly the whole business during his year of office. He is always applied to in the first instance.

He is, by charter, empowered to hold a Court of Pleas monthly, but no duties devolve upon him from this, the court having almost entirely fallen into disuse.

It is considered to be his duty to examine the weights and measures in the shops and markets. This duty seems to be very insufficiently performed, as the shops are not visited every year, nor does the mayor ever examine the butter or other provisions brought to the market, except information be given to him of some short weight. When this is done, he usually examines the weights throughout the market.

He is, by charter, Escheator throughout the liberties of the city.

He is, by office, a Commissioner under the Court of Requests Act.

He is also one of the Guardians of the poor, under a local Act.

He is a Commissioner under the Act for paving, lighting and watching the city.

He is a Commissioner of sewers in the commission for the district.

The duties of the office of mayor are considerable, and occupy a large portion of his time. In the winter months he is engaged for three or four hours every day on the average.

His salary is 100 *l.* The amount of this has varied at different times. In 1802 it was fixed at 130 *l.*, on condition of the mayor giving a dinner on the day, on which he should be sworn into office. In 1808, it was raised to 210 *l.* In 1815, it was reduced to 60 *l.*, with a declaration by the court of burghmote, that he should not be expected to give a dinner or supper. In 1825, it was fixed at the present amount. He has no other emoluments whatever. It was stated that the expenses of the office exceeded the salary by 150 *l.* or 200 *l.* on the average. These are caused by the hospitality which it is usual for him to exercise, the subscriptions within the city to which he is expected to contribute, and by various payments which he is called upon to make. He has to pay 4 *l.* 4 *s.* a year to each of the serjeants at mace, 3 *l.* 3 *s.* to the mace bearer, and the like sum to the sword bearer. He gives a breakfast every week to the 16 boys of the Blue-coat school.

Recorder, functions of.

58. The Recorder is a Justice of the Peace for the county of the city, but never acts as such, except at the General Sessions, or unless he be requested to do so by the corporation on any particular occasion.

He is the legal adviser of the corporation.

He is one of the Guardians of the poor and a Commissioner under the Paving Act, but he never acts in either of these capacities.

His salary is 30 *l.*; he has no other allowance, except his fees, as a barrister, for any opinions which he may be required by the corporation to give.

Aldermen, functions of.

59. The functions of the Aldermen, as connected with the constitutional details of the corporation, have been already mentioned.

The two aldermen of each ward hold a Court Leet within their respective wards every year. They have no other duties particularly connected with, or confined to, their respective wards, except those arising from the courts leet, such as the selection of constable and borsholder, mentioned in sections 48 and 49.

Such aldermen, as have served the office of mayor, are Justices of the Peace for the county of the city. Their duty, as justices, is in no way connected with their respective wards. At present all of them are justices.

Such aldermen, as are justices, are Guardians of the poor, under a local Act.

The justices are also Commissioners under the Act for paving, lighting and watching within the walls of the city.

Two of the aldermen, appointed by the mayor and aldermen about every six months, are Commissioners under the Court of Requests Act. A rotation is almost always observed in this appointment.

One of the aldermen, appointed by a court of burghmote, is Master of Maynard's Spital, which is a set of almshouses. There is no emolument from this office; the present mayor has held it for many years.

The aldermen have no emoluments.

Common Council, functions of.

60. The Common Council have no functions beyond those which have been mentioned in describing the constitution of the corporation.

Five of the common council, appointed about every six months by the mayor and aldermen, are Commissioners of the Court of Requests. A rotation is very much observed in this appointment. The common council have no emoluments.

Sheriff, functions of.

61. The Sheriff has the usual duties and responsibilities of a sheriff of a county. The prisoners in the gaol are considered to be in his custody. He makes out the jury pannels for the General Sessions. He is the returning officer in the election of Members of Parliament for the city.

The duties of sheriff are in fact always done by an Under-sheriff appointed by the sheriff, unless the latter happen to be an attorney, as is the case this year. It is always usual to appoint a member of the common council under-sheriff.

No county court is ever held. The number of writs of inquiry in actions in the superior courts is very small.

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The sheriff has no salary. He is not put to any expense from his office, the corporation paying the expenses of obtaining his *Quietus* in the Court of Exchequer, amounting annually to about 63 *l.* An action was brought against the sheriff last year for some proceedings in an execution by him, the verdict was found for him. His extra costs above taxation, amounting to 28 *l.* 3 *s.* 7 *d.*, were paid by the corporation.

The under-sheriff is remunerated by the fees of office; these are sufficient to induce the most respectable attornies to take the office.

Chamberlain, functions of.

62. The Chamberlain is the treasurer of the corporation. He collects all the rents, and receives the money for freedoms and whatever else is paid to the corporation. He makes all the payments of the corporation. He has authority to give orders to the amount of 5 *l.*; when any further expenditure is necessary, he applies to the mayor, who calls a committee of the whole house. The permanent charges of the year, such as taxes and assessments, he pays without order, for doing which he obtains the sanction of the next court of burghmote. The accounts of the year are made up to September; they are kept in a very regular manner. The balance at the end of the year is never large; it is generally a little in favour of the chamberlain. He charges the corporation five per cent. for any money which he has to advance beyond the sum in his hands.

A day is appointed by the court of burghmote for a committee of the whole house, for the purpose of auditing the accounts; this is usually some day at the beginning of December. A fortnight or three weeks before this day, notice is given to all the members of the court to form a committee for examining the bills of the year. After the bills have been examined by such members as attend, they are signed by three or four of them, and are then paid by the chamberlain. The bills and vouchers are produced at the audit, and are generally passed round to the members present. The clerk of the chamber reads over the accounts of the year, and the mayor, or some other member, at the same time compares them with the accounts of the previous year. They are signed by several of the members, and are then considered to be passed. Until the present year, no information has ever been given to the freemen of the state of the accounts, or of the pecuniary circumstances of the corporation. After the audit, however, in December 1833, an order was made by the court of burghmote, that the accounts of the year should be printed and published, with the particulars of the stipends, allowances and casual disbursements. This order has been carried into effect.

The chamberlain has a salary of 35 *l.* His fees on the admission of freemen were specified in section 54; they amounted last year to 17 *l.* 18 *s.* 6 *d.*, which he considered to be about an average. He has some trifling emoluments arising from some of the charities, with which the corporation is connected, amounting to not more than 5 *l.* in the year; and 5 *d.* on the enrolment of every indenture of apprenticeship. It is usual for him to give a dinner or supper to the members of the court of burghmote.

Town Clerk, functions of.

63. The Town Clerk is the general legal adviser of the corporation: he attends all courts of burghmote, and enters the proceedings. He is Clerk of the Peace and of Indictments at the General Sessions. He is not Clerk to the Justices. He attends all the courts leet held in the different wards, at which he conducts the business. He is the officer of the mayor's Court of Pleas: but as this court has fallen into almost entire disuse, he has scarcely any duties connected with this situation.

He has a salary of 30 *l.* His fees on the admissions to the freedom were specified in section 54; he has also a fee upon each toleration, the meaning of which term will be explained in section 82; he has a small fee upon affixing the corporation seal. The amount from these three sources, exclusive of the seals on corporation leases, was last year 4 *l.* 4 *s.* 6 *d.* He calculates his charges upon each lease which he draws, exclusive of the stamp, at 5 *l.* 10 *s.* The number of corporation leases, within the last three years, has been 15; the number of leases for charities with which the corporation is connected has been, in the same time, 13. He averages his fees arising from the general sessions at 21 *l.* 8 *s.* 6 *d.* He has an annual professional bill upon the corporation, which, on an average of the last 10 years, amounts to 75 *l.* 11 *s.*

He averages his fees as coroner at 7 *l.* a year, besides a small additional sum for mileage allowance, which is very trifling.

The whole of his emoluments, upon an average of the last five years, have amounted to 247 *l.* a year, exclusive of his salary.

He is Clerk to the Guardians of the poor.

Coroner, functions of.

64. The Coroner has exclusive jurisdiction within the county of the city. The number of inquests in the year, upon an average of five years, is seven. The coroner has 1 *l.* upon each inquest, and 9 *d.* a mile allowed for travelling expenses. Each juryman has 1 *s.* allowed him, which he is expected to spend at the public-house where the inquest is held, no charge being made for the room.

Sword Bearer, functions of.

65. The Sword Bearer attends the mayor on all occasions of ceremony; he attends the courts of burghmote and general sessions. He has a salary of 8 *l.*; and receives 4 *s.* each day of the general sessions, and on the days of choosing and swearing the new mayor; he has also an allowance of 3 *l.* 3 *s.* from the mayor. His emoluments, with his salary, last year amounted to about 12 *l.* 12 *s.* The present sword bearer has been appointed by the justices corn inspector, for which he has a salary of 50 *l.* paid by the Board of Excise.

Serjeants at Mace, functions of.

66. The Serjeants at Mace are the general servants of the corporation, and attend all courts and meetings. They summon the juries for the courts leet and coroner's inquests. Each serjeant has his separate wards, from which he summons the juries.

Each serjeant at mace has a salary of 10 *l.*, and an allowance of 4 *l.* 4 *s.* annually from the mayor. They have each 4 *s.* a day for attending the general or adjourned sessions, 3 *s.* for attending

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attending the court leet, and 4*s.* on each of the days on which the charities are distributed. They have a fee of 3*d.* every time the corporation seal is affixed. Their fees on the admission to the freedom have been specified in section 54. The average amount of these emoluments, including the salary, is about 16*l.* 16*s.* a year. They have also hats and coats given them every other year.

One of the serjeants at mace is also water bailiff and serjeant of the markets. The office of water bailiff will be mentioned in section 74. As serjeant of the markets, he has to attend the butchers' and butter market, and to weigh any articles which the buyers may ask him to do. For this he has a salary of 12*l.* The corporation provide the weights and scales, and charge a halfpenny for each article weighed, which is paid over to the chamberlain.

Another of the serjeants at mace is serjeant of the chamber, an office mentioned in section 70, and also clerk of the corn market. He opens and closes the corn market, and attends it while it is held. For this he has a salary of 12*l.*

Keeper of the Gaol, salary of.

67. The Keeper of the Gaol has a salary of 60*l.*; his wife has one of 10*l.* as matron. These are paid out of the county-rate. He lives within the gaol, and has his house rent and tax free; he has also coals and candles provided out of the rate; he has no fees or other emoluments of any kind.

Tollenger, functions of.

68. When the markets were not leased, the Tollenger used to collect all the tolls.

Clerk of the Chamber, functions of.

69. The Clerk of the Chamber assists the chamberlain in making up the accounts; he fills up the forms of admission to the freedom, and sees that they are stamped. The same person is billet master; he has a salary of 20*l.* 8*s.* 6*d.* for both offices. His fees on admission to the freedom have been mentioned in section 54. He has some allowance made to him for writing out the accounts and making copies of the tradesmens' bills. His emoluments from these sources last year amounted to 6*l.* 14*s.* 4*d.* He is expected to attend all corporation dinners, which is some expense, as each person pays his own share.

Serjeant of the Chamber, functions of.

70. The Serjeant of the Chamber acts as servant to the chamberlain in collecting rents. It is his duty to warn the chamberlain of any person, who is not free or tolerated, exercising trade within the city. He makes seizures of the goods of tradespeople not privileged, who refuse to purchase the freedom or to pay the penalty. This will be explained in section 81. He has a salary of 1*l.* 6*s.* 8*d.*; he has a fee on admissions to the freedom, as was mentioned in section 54; he has also an allowance for seizing goods of 6*s.* 8*d.* in the pound for all he seizes, which amounted last year to 4*l.* 17*s.* 4*d.* The present serjeant of the chamber is one of the serjeants at mace, and also clerk of the corn market, both of which offices, with their emoluments, were mentioned in section 66.

Billet Master, functions of.

71. The Billet Master billets all the soldiers who pass through the town, and provides waggons for them. This office is at present held with that of clerk of the chamber. The salary for both is 20*l.* 8*s.* 6*d.*

Crier, functions of.

72. The Crier is also blower of the burghmote horn. He has a salary for both offices of 6*l.* 6*s.* 8*d.*; he has also an allowance for attending the general sessions, and the choosing and swearing of the mayor, which produced last year 1*l.* 16*s.* He has a hat and coat given him every year. He is paid for crying by those who employ him.

Mace Bearer, functions of.

73. The Mace Bearer has the same duties, salary and emoluments, as the sword bearer. The same person is at present hall keeper, and, as such, receives 1*l.* 4*s.* out of the county rate, and emoluments, amounting, last year, to 3*l.* 15*s.*

Coal Meter.

He is also Coalmeter. This is an appointment by the court of burghmote. He never measures except when required to do so by any one buying coals; he receives 6*d.* a chaldron from the parties employing him. He stated that he was not employed 12 times in the year on an average.

Water Bailiff, functions of.

74. The Water Bailiff gives notice to the mayor of any nuisances committed on the river, or injury done to the banks. He also seizes improper nets; he has a deputation under the corporation seal for this duty. He has a salary of 2*l.* 2*s.* He is also a serjeant at mace and serjeant of the markets.

Blower of the Burghmote Horn, functions of.

75. This office seems to have existed from a very early period. He gives notice of courts of burghmote by blowing a horn near the houses of the members. He is also crier, and has a salary for both offices of 6*l.* 6*s.* 8*d.*

Pound Keeper.

76. No salary is at present paid to a Pound Keeper.

Inspector of Conduits.

77. The Inspector of Conduits has a salary of 4*l.* 4*s.* for looking after the water works.

Feyrers, functions of.

78. The Feyrers, or Surveyors, seem in early times to have been nominated to determine disputes between parties respecting their fences, pavements or watercourses; they are at the present day seldom employed. In some cases, where persons have considered themselves overrated by the pavement commissioners, they have referred to the feyrers. They have no salary, but may probably receive something from the persons who employ them.

Constables and Borsholders, functions of.

79. The Constables and Borsholders, besides their common law duties, are compelled, under the Act for paving and watching within the walls of the city, to watch during the night with the watchmen; one of them is to be on duty every night. Great complaint was made by some of the magistrates of the custom, which now exists so generally, of serving these offices by substitute, and of the class of persons appointed substitutes, both of which circumstances

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were attributed to this clause in the Act. It was stated that, since the passing of this Act, persons had almost always provided substitutes, many of whom would have served the offices if they had not been compellable to watch at night. The constables and borsholders have some allowance from the county rate for attending the sessions; they also receive the same allowance as the watchmen for watching at night.

Sheriff's Bailiff, functions of.

80. The Sheriff's Bailiff has the usual duties of a sheriff's officer, and receives the customary fees. He has no other emoluments.

Freemen, privileges of.

81. Besides the privilege, confined to the residents, of electing the mayor, as already mentioned, the Freemen had, before the Reform Act, the exclusive privilege of electing Members of Parliament for the city. They have also the exclusive right of trading within the city, except so far as Acts of Parliament have enabled certain persons to trade within corporate towns, notwithstanding any privilege of this kind. The charter of James 1 grants to the corporation, that no person, except a freeman, shall sell by retail, or carry on a trade, within the liberties, without the licence of the mayor and aldermen. The custom of exclusive trading, however, existed long before the date of this charter. The recorder considered it to have existed from time immemorial. The books of the corporation, containing their orders and proceedings, extend only as far back as the 33d of Henry 8. There is an order, dated in the 3d & 4th of Philip and Mary, that a person be dismissed his freedom, and ordered to shut up his shop windows: there is a series of entries respecting this restriction from that time down to the present. By an Act of Parliament, 34 & 35 Henry 8, c. 18, relating to the privileges of the city, it is enacted, that no persons, "being foreigners, and not being free citizens of the city," shall, contrary to previous grants and liberties, buy or sell with foreigners, not being free citizens, nor open shop, nor use any handicraft, without the licence of the mayor and aldermen. The word "foreigner" seems to be here used, in the same sense as in early charters, to signify persons not freemen or inhabitants; for in a subsequent section is a proviso, that the Act shall not extend to any butcher, or fishmonger, or other persons, "inhabiting out of the liberty of the city," concerning the selling of victuals. As soon as it is known that persons, not free, have begun to trade, notice is sent to them by the chamberlain to take up their freedom. On their refusing to do so, a penalty is imposed of 6*s.* 8*d.* for every day they continue trading. The serjeant of the chamber is then directed to seize goods to the amount of the penalty incurred. This, however, seldom takes place, except in the case of travelling tradespeople, who are in the habit of exposing their goods for sale for a few days at a time in different towns. It is considered that the corporation have no right to sell goods so seized; they are therefore kept, if not ransomed. The inhabitants generally consent to purchase the freedom, and the penalty is then remitted. The chamberlain stated that, when a person was unable to pay the purchase-money, he took part payment, and then allowed the person to trade without being admitted, until he was able to pay the remainder. This he did without the knowledge of the court of burghmote.

Great complaints were made by persons, chiefly of the lower class of tradespeople, of the sum which they had to pay for the purchase of the freedom. The tax seems to be a very unfair one, as pressing much more heavily on this class than on the more substantial tradespeople. An individual, one of the guardians of the poor under the local Act, stated that he had heard persons attribute their insolvency to this exaction. Another person stated that he had been unable to let some shops, on account of the large sum to be paid for the freedom; that persons would have taken the shops, if the corporation would have allowed them to try whether their business were likely to prosper, before they compelled them to take up their freedom. The chamberlain stated that a request for such allowance was always refused. A person, who keeps one of the large inns in the town, complained that the corporation had unjustly compelled his servant to take up the freedom on the following grounds. The innkeeper was in the habit of letting the tap, which adjoined the inn and was included in the licence for it. A tenant of the tap having left, and it being desirable that it should not be shut up, he put his servant into the tap for a few weeks, until he could meet with another tenant. The servant, while occupying the tap, bought all the liquors, and sold them for his own profit, giving no account to the master. The chamberlain called upon him to take up his freedom. The master contended that, as the servant was trading under his licence, he ought not to be compelled to take up his freedom. The answer of the corporation was, that, as the servant was trading on his own account, he was equally liable with other tradespeople.

The daughters of freemen, if born free within the liberties, are allowed to trade without any payment.

Tolerated Persons.

82. Persons, such as soldiers and sailors and their sons, who are authorized by Acts of Parliament to trade within towns where restriction on trading exists, are called Tolerated Persons. They are required to pay the following fees, before they are allowed to trade within the city:

	s.	*d.*
Fee to Chamberlain - - - -	3	6
— Town Clerk - - - - -	6	8
— Serjeant of the Chamber - -	2	—
	12	2

Seventy-six tolerations of this class have been granted within the last 10 years.

All females, not free, are allowed to trade after paying 10 *l.* in addition to the above toleration fees. There are instances in the early entries of the corporation books, from 1686 downwards,

downwards, of women being called upon to show why they exercised trade, *not being free.* If a woman, who has paid her toleration fee, marry a man not free or tolerated, and he continue her trade, he is compelled to purchase his freedom, but the 10 *l.* paid by her is allowed as part of it. Fifteen tolerations of this class have been granted within the last 10 years.

Jews are allowed to exercise trade within the city on paying a toleration fee of 20 *l.* Five tolerations of this class have been granted within the last 10 years.

Persons under 21 years of age are allowed to trade on paying the toleration fee of 20 *l.*, which sum they have credit for on afterwards purchasing the freedom. Five tolerations of this kind have been granted within the last 10 years.

Several complaints were made by tolerated persons at being compelled to purchase the freedom, in order to obtain publicans' licenses. These complaintswill be noticed in section 94.

Jurisdiction of the Corporation.

83. The Courts, under the Jurisdiction of the Corporation, are

The Court of General Sessions,
The Petty Sessions,
The Courts Leet,
The Mayor's Court of Pleas,
The Sheriff's Court.

General Sessions.

The General Sessions are held always twice in the year, sometimes three times, and in one year were held four times. The number of sessions depends chiefly upon the business to be done. No sessions were held at Christmas 1833–34, although there were prisoners under committal for trial. The reason assigned for this was the mayor's state of health, which rendered it unadvisable for him to sit in court. The charter of James 1, in granting to the justices authority for holding the sessions, requires the presence of the mayor and recorder. The present recorder considered the words of the statute, 4 Geo. 4, c. 27, not sufficiently explicit to act upon, so as to hold a session without the presence of both the Quorum Justices. If this be so, it seems very desirable that in so large a jurisdiction, which is exclusive, the holding of a session should not depend upon the ability of two particular persons to attend. There were two sessions held in 1831, five in 1832, and two in 1833; one of the sessions in 1832 ought to be considered as a session of one of the other years, its present position is occasioned by its being held just at the end or beginning of a year.

The town clerk is clerk of the peace and of indictments. The precept for summoning the juries is directed to the sheriff, who directs his warrants to the bailiff. The juries are summoned by wards; a separate warrant is made out for each ward, which contains the names of the persons to be summoned on the grand and on the petty jury, who are in fact all the persons in the ward considered to be fit to serve on them. These warrants are kept as instructions for the warrants of following years, names being added or struck off, as the sheriff or bailiff happens to know of persons coming into or leaving the ward. The grand jury lists contain the names of the higher class of tradespeople, the petty jury lists those of the smaller householders. The number of names on all these lists is, at present, for the grand jury 148, for the petty jury 180. Common councilmen are never placed upon them. The jurors of one ward are summoned for one session, of two other wards for another session, and of the remaining three wards for a third session. The reason of this distribution is the unequal size of the wards. So that after three sessions the same juries recur, the same persons always serving together. The sessions have jurisdiction over all the same matters as other county sessions have; they have also jurisdiction in capital felonies. The last execution took place in 1815, for robbery. The following is the number of committals for felony, convictions under them, and transportations, in three successive years:

	Committals.	Convictions.	Transportations.	Death recorded.	Expenses allowed.
					£. s. d.
In 1830	10	4	0	0	44 12 4
1831	23	11	0	0	68 0 4
1832	27	17	4	4	142 5 8

In the year 1831, two of the felons broke prison before trial, one of whom escaped, and the other was tried in the county of Kent.

The sessional charges of each prosecution, containing those of the clerk of the peace and the clerk to the justices, average about 3 *l.* In this, the expenses of witnesses and of preparing briefs, and counsel's fees, are not included. The number of appeals tried in three successive years were as follows: in 1830, four, in 1831, three, and in 1832, five. Appeals against rates very rarely occur. Barristers generally attend: no briefs are allowed by the county except in very particular cases. When counsel are not employed, the recorder conducts the prosecution by means of the depositions.

Petty Sessions.

The Petty Sessions are held every month, at which the mayor and another justice always attend. There is no difficulty, however, in procuring the attendance of two justices at any other time, whenever there is occasion for it. The mayor is called upon nearly every day during the winter months to act as a justice.

Courts Leet.

A Court Leet is held in every ward once in the year. The two aldermen of the ward preside; both of them usually attend. The town clerk attends as the officer of the court. All the householders within the ward are summoned to attend, and such, as do attend, are sworn of the jury; sometimes 40 are sworn. It was stated that this had always been the custom. In all the wards, except one, the jury go round and inspect the state of the buildings and pavements, and ascertain whether any nuisances exist. They then make presentment. The presentments

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are never enforced by the court; sometimes information is sent to the party presented, directing him to abate the nuisance, but no further notice is taken. If the nuisance presented be within the jurisdiction of the commissioners under the Paving Act, notice of the presentment is sent to them. The reason of no inspection or presentment of nuisances taking place in one ward is, that the whole of that ward is within the jurisdiction of these commissioners. The only other business of the court is the appointment of constable and borsholder, an account of which was given in sections 48 and 49.

Mayor's Court.

By a charter of Henry 6, recited and confirmed by the charter of Edward 4, authority is given to the Mayor to hold a court for all pleas, real and personal, within the liberties of the city. This court has fallen into almost entire disuse. The only suits, which have been brought in it since 1793, were two or three actions of replevin, all within the last six years. These have been all removed into superior courts, in the earliest stages. An ejectment was tried in 1792. It appears that attornies used to be admitted of the court; at present any attorney is allowed to enter a plaint. Nothing is now known of the practice of the court.

Sheriff's Court.

The charter of Edward 4 directs the Sheriff to hold a court from month to month on Thursday, in which to exercise jurisdiction as other sheriffs within England. No court of this kind has ever been held within the memory of any one.

The sheriff executes writs of inquiry by juries when they are directed to him, but they seldom occur.

Police.
Paving Act.

84. Besides the constable and borsholder already mentioned, further provision is made for the Police of the city by Act of Parliament. This Act is the 27 Geo. 3, c. 14, and is for paving, cleansing, lighting and watching the streets and places within the walls of the city. The commissioners appointed by the Act are the county and city Members, the mayor, recorder and justices of the peace for the city, the dean and vice-dean of the cathedral, and a number of persons named. When the number of the last class of commissioners gets below 100, the inhabitants, rated under the Act, are to elect, by ballot, at their several courts leet, others, not exceeding 36, namely, six out of each ward. The number is generally kept up to about 100; the election is not made by ballot. The qualification, for all except the official commissioners, is inhabitancy within the walls, and the possession of a real estate within the walls of the clear yearly value of 10 *l.*, or of a beneficial lease of premises within the walls of the annual value of 15 *l.*, or the possession of a real and personal estate to the amount of 500 *l.*, or the being rated, under the Act, at 20 *l.* a year. The corporation commissioners do not take any principal part in the administration of the Act, but the mayor is always in the chair at any meetings at which he attends. A meeting is held every month, nine commissioners are a Quorum; meetings are frequently adjourned for want of this number, but not so often as to cause any material inconvenience. The offices of clerk and treasurer are held by the same persons, who are partners as attornies. The maximum rate, authorized by the Act, is 1 *s.* 6 *d.* in the pound on the poor-rate assessment, to be laid upon the occupiers, except where there are two or more tenants to a house, in which case the commissioners may rate the landlord. Gaols, churches and other public buildings, if adjoining the street, are to be rated by running measure, at 1 *s.* a yard, and so is the property in some of the ecclesiastical precincts. The corporation are also to pay 1 *s.* a yard in certain streets, instead of repairing them. A duty of 1 *s.* a chaldron, or ton, is to be laid on all coal, coke or cinders, passing through the turnpikes to be erected under the Act, which may be placed on any of the roads leading into the city, within three miles from it. The commissioners are also empowered to erect a turnpike on each of two roads mentioned, at any point within three miles of the city, at which a toll is to be taken for all carriages and horses passing through. The duty on coal is to be taken off, as soon as 4,000 *l.* of the money borrowed shall have been paid. Watchmen are to be appointed, and one of the constables or borsholders is to watch every night with the watchmen, and to have an allowance for this, not exceeding that of a watchman. The money raised last year from the three sources above mentioned, was as follows:

	£.	*s.*	*d.*
Duty on coal - - - - - - -	655	3	11
Tolls - - - - - - - - -	900	–	–
Rates - - - - - - - - -	513	10	–
£.	2,068	13	11

The tolls on one road were let last year for 700 *l.*; they are this year let for 850 *l.* The trustees of the other road, many years ago, on obtaining their Act, made a composition with the commissioners to give them 200 *l.* in lieu of the tolls on this road. Complaint was made, that passengers were charged double toll, if passing through both turnpikes, and that this was contrary to the Act; but it did not seem to be within the object of the commission to inquire minutely into this. Great complaint was also made of the commissioners collecting the coal duty at the extreme distance from the city allowed by the Act, by which means coals, not taken into or from the city, were subjected to the toll. There can be no doubt that the present position of the turnpikes operates very unfairly. The commissioners avowed that they had been placed there, in order to subject to the duty coal, which was not passing to or from the city. There is a debt of 10,000 *l.*, upon which interest is paid at 4½ per cent., and a debt of 1,000 *l.*, upon which 4¾ per cent. is paid. A very trifling reduction in the debt

debt has been made within the last few years. The proceeds are distributed in the following manner:

	£.	s.	d.
Expenses of watching	326	4	–
lighting	610	–	–
paving	511	5	11
Salaries	75	–	–
Interest on debt	497	10	–
£.	2,019	19	11

Watchmen.

There are nine Watchmen appointed, two of whom are supernumerary and do not act, except when some of the seven cannot attend. This was stated to be a sufficient number. Great complaint was made by one or two of the justices, that they had not a sufficient control over the watchmen; that the latter paid no attention to orders given by the magistrates, as their appointment did not depend upon them. The mayor stated, that he had known several instances where the justices had suspended the watchmen, and the commissioners had immediately taken off the suspension, and that great inconvenience had been experienced from this. I was unable to ascertain the reason of this want of co-operation in the two bodies; it was agreed on all hands, that it did not then exist to the same extent as four or five years before. One of the most active commissioners stated that there was no jealousy felt, on the part of the commissioners, towards the magistrates, and that there was a wish to give them every assistance. The lighting is performed by a gas company, with which the commissioners have made a contact: this is efficiently done. The Act is well administered; but all parties concurred in the opinion that it was a very injudicious one, and inefficient. The district, which it includes, does not take in nearly the whole of the town. It was stated that a circuit of half a mile beyond the walls would be nearly the proper limit. The accounts are annually audited at a meeting of the commissioners, at which a large number generally attend. No publication of the accounts is made. It was stated that no rate-payer would be refused an inspection of them.

Court of Requests.

85. A Court of Requests, for the city and county of the city, was established by an Act 25 Geo. 2, c. 45. This Act mentions the holding of the mayor's court once a fortnight; but states, that the expensive and dilatory methods of proceeding in it had made a court of requests desirable. The mayor and aldermen are to assemble every quarter of a year, and to nominate two aldermen, five common councilmen, and one of the householders of each parish, not belonging to either of these two bodies, to be commissioners for the three months following. No person is to be nominated above twice in one year, without his own consent. A court is to be held once every week, before three commissioners at least: seven, in rotation, are to be summoned for every court by the beadle; but any other commissioners may act. The jurisdiction extends to debts amounting to 2*s.* 6*d.*, and below 40*s.*, owing to any one inhabiting, keeping shop, trading or gaining a livelihood, within the city and county. The balance of a debt, originally above 40*s.*, if reduced below 40*s.*, is considered to be within the provisions of the Act. A person is not allowed to bring a debt of above 40*s.* within the jurisdiction of the court, by consenting to abate the excess, and considering it below 40*s.* No debt for spirituous liquors, unless it shall have been contracted at one time to the amount of 20*s.* and under 40*s.*, is to be recoverable; nor is any item for spirituous liquors, unless contracted as above, to be allowed in any demand. Debts incurred on real contracts, or relating to tithes, testaments, matrimonial contracts, or matters cognizable by the Ecclesiastical Court, are excepted from the operation of the Act. No debt recoverable in the court is to be sued for elsewhere. There is a power of execution given, with imprisonment not exceeding 60 days; this is, of course, limited by the general Acts to 40 days for debts of 20*s.* and upwards, and to 20 days for debts below 20*s.* The court seems to be generally resorted to. In practice, new commissioners are nominated only about twice in the year; but this is considered quite often enough, as new commissioners seldom become well acquainted with their duties before their time of service has expired. It was thought that the system was defective for procuring efficient commissioners, and that permanent commissioners would probably be much more so. The commissioners are, in fact, nominated by the justices in petty sessions. This seems to have been always the case; but, as nearly all the aldermen have always been justices, very little deviation from the Act has in reality taken place in this respect. The aldermen and common councilmen take the office nearly in rotation, except that such of them as attend most regularly are the most frequently appointed. The aldermen seldom attend; the common council, in general, not more than the householders. The number of suits brought in the court, in 1826, was 545; the number of executions, 111; the number of persons taken to prison, 5: in 1827, the number of suits was 465; number of executions, 110; number of persons taken to prison, 11. These two years give about the average at present. There is a schedule of fees given in the Act, which the clerk stated were very low, and did not afford anything like a sufficient remuneration to himself and the beadle, who is the officer of the court. The fees of the latter he estimated at not more than 20*l.* a year; his own at 25*l.*

It was generally agreed that the Act would be more beneficial, if the jurisdiction were extended to debts of 5*l.* It was also represented, that the utility of the court would be much increased, if the district, within which it operates, were extended, so as to include persons living in the villages round Canterbury, who were in the habit of attending the markets there, and who would experience no inconvenience in attending the Canterbury courts.

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Whether the Jurisdiction requires extension.

86. Great inconvenience has been experienced in the administration of justice by the number of precincts, some of them in the heart of the town, which are not within the jurisdiction of the city magistrates. One of the old ecclesiastical precincts, the site of the monastery of St. Augustine, just without the boundary of the city, contains a large cluster of the smaller class of houses. Besides these precincts, there are some of the suburbs, containing a dense population, which are beyond the limits of the county of the city. All these districts are well known, and persons take advantage of them to evade the city authorities. At present there is a magistrate for the county of Kent residing within the town, and there is no difficulty in getting warrants backed. This has not always been the case, and the clerk to the justices stated that he had known instances, where persons, hearing of a warrant being taken out, had made their escape, before it was possible to get it backed by a justice of the county of Kent. It clearly is very desirable that the precincts, locally situated within the limits of the city, should be under the same municipal jurisdiction as the city. No better boundary, I think, can be taken, so as to include the whole population of what may be considered the town, without comprising much agricultural district or diminishing the present jurisdiction of the city, than the Parliamentary boundary. A portion of the parishes of St. Mary Northgate and St. Martin, and a part also of the borough of Longport, are purely agricultural; but the two former are already within the jurisdiction of the city, and the latter is not so considerable as to outweigh the inexpediency of having a variety of boundaries. The only difference made to parishes, in taking a new boundary, is the difference of the two county rates. This, I was told, would be very trifling, and fully compensated to the parishes brought within a new boundary, by the exemption they would have from service on juries for the county of Kent. Part of the parish of St. Paul is now within the county of the city, and, as the two county rates for this parish are at present not levied separately upon the persons within the respective counties, but are taken from the general poor-rate, little or no difference will take place in this parish. Only two additional parishes are divided by the Parliamentary boundary line, those of St. Dunstan and of Holy Cross. In these parishes the same mode of rating to the county rate may be adopted, as at present exists in the parish of St. Paul. In any legislative enactment for enlarging the jurisdiction of the city, the county hospital should be excepted from that jurisdiction; the county gaol, in the precinct of St. Augustine, would necessarily be excepted, under the provisions of the Act 4 Geo. 4, c. 64.

County Rate.

87. The County Rate was first imposed in 1773; the rate that year was made at 1*d.* in the pound, and produced 41*l.* 1*s.* There has been a rate made every year since, and, for the last few years, there have been two rates each year. The rate is at present made and levied in the following manner. The county treasurer informs the justices at the general sessions how much money is required for the expenses of the county, and how much in the pound will be necessary to raise this sum. An entry is then made in the sessions book, "A rate of —— in the pound, to produce £. —— to be paid to the treasurer." Sometimes the order does not state the amount required, but merely the poundage. A copy of this order is then made and signed by the town clerk, and sent by him to the treasurer. The latter takes it to the Receiver of the Court of Guardians of the poor, and he, on the delivery of it, pays over to the treasurer the sum required out of the general fund in his hands. All the parishes, as will be seen in sect. 90, are consolidated for the purposes of the maintenance of the poor; the rates collected from all of them are paid into one general fund. The affairs are under the management of a court of guardians, and their treasurer is called the receiver.

Complaint was made, on behalf of a number of the inhabitants, that this mode of collecting the rate was illegal and unjust. The grievance complained of was, that, by the justices making the order upon the receiver of the poor-rate fund, instead of assessing each parish separately, the parishes were deprived of their power of appeal. The power of appeal is given, by the 55 Geo. 3, c. 51, to the churchwardens or overseers of any parish, which shall consider such parish aggrieved by the rate, on account of any unequal rating as to any of the parishes, "or on account of any other just cause of complaint whatsoever." The guardians, it was considered, are not included in the designation of persons mentioned in the Act, to whom the right of appeal is given, there being overseers to each parish, although such overseers have no concern in the county-rate. The rate being taken from the general fund, each parish contributes to it in the same proportion as to the poor-rate; whatever, therefore, furnishes a ground of appeal in respect of the rating in the one case, does so in the other. No appeals against poor-rates seem to have taken place for many years. As far, therefore, as the rating is concerned, it did not appear that any real grievance had been actually suffered by any of the parishes situate altogether within the city. It was, however, contended that the words of the Act just referred to, "on account of any other just cause of complaint whatsoever," empowered the churchwardens or overseers of parishes to appeal against any objectionable expenditure of the rate. If such a construction of the Act could be established, then certainly the present method of imposing the rate has been the means of preventing parishes from appealing. There can be little doubt that some parishes would have appealed against items of expenditure, if they had had authority to do so. It was stated on the part of the justices, that, on the first imposition of the rate in 1773, and until 1779, it was customary to direct the justices' precept to the constables of the wards, who collected from the parishes within their respective wards the sum assessed upon each. It appears that, in 1779, the amount of rate imposed on all the parishes was received from the treasurer of the workhouse, and the same practice has continued down to the present time.

Some years ago, the court of guardians refused to pay the money to the order made upon them. Upon this, a precept was directed to the constable to issue his warrant to the overseers. The latter objected that they had no authority to collect a rate. The matter was at last

last arranged by the guardians paying the money. A large part of one of the parishes, included within the provisions of the Poor Act, is in the county of Kent. No separate collection is made in the parish for the rate of the county of Kent and that of the county of the city. Both rates are paid out of the general fund. When, from the erection of a new gaol, the county-rate for the city became much increased, it amounting, in 1828, to 369*l.* 9*s.*, and, in 1829, to 1,231*l.* 10*s.*, the rate-payers of that part of the parish within the county of Kent became dissatisfied with the mode pursued in raising the rate. A request was sent to the guardians of the poor, desiring them to pay no more money out of the funds in their hands, in order that the justices might be compelled to direct their precept to the constable to levy the rate in the legal manner, and that the two parts of the parish in question might separately contribute to their respective counties. This was refused by the court of guardians. It did not appear that any formal request was made to the justices of the city at the sessions on the subject.

No rate for the county of the city is collected from those parts of parishes, mentioned in section 1, which are not within the provisions of the Poor Act. On account of the doubts at present existing as to certain precincts being within the city or county of Kent, some of them, namely, the White Friars, Eastbridge Hospital, and the Old Castle, are not assessed to either rate.

The assessment for the county-rate is not the same as that of the poor-rate, although it is taken from the latter. A county-rate of 1*s.* in the pound is calculated to produce 492*l.* 12*s.*; a poor-rate of 1*s.*, 800*l.* The amount paid by the guardians to the county-rate has varied considerably in different years. It is impossible to get any correct average from the last five years, as the expenses of the gaol, mentioned below, are distributed over each of these years.

A very strong feeling of dissatisfaction and discontent seems to have existed for several years in respect of the county-rate. The justices stated that no formal application to them had been made at the general sessions to levy the rate in the manner prescribed by the Act. The answer to this was, that there were no means whatever of bringing the illegality of the practice before the court, as the method pursued had deprived the rate-payers of any appeal. It was not denied by the justices, that they individually knew of the discontent existing. In August 1832 the guardians made an order, that no more money should be paid for the county-rate until the legal form was adopted. This continued for a short time, and was then rescinded; some inconvenience, however, was experienced from it. In November 1832, the guardians requested a meeting with the mayor and justices, in order to discuss some items of expenditure in the city accounts, which request the latter refused. The recorder stated, that it had been under consideration to go through the process directed by the Act for levying the rate, but, as they considered the present practice not illegal, it had been continued, on account of its being attended with less trouble and expense.

The principal ground for the discontent was the heavy charge laid upon the county-rate for the erection of a new gaol. The broad ground of objection made on behalf of the rate-payers was, that the corporation were bound to erect and maintain such gaol, as is necessary for the city, out of their own funds. It did not appear to be necessary, even if the nature of the inquiry had allowed sufficient time, to enter upon all the arguments relied upon by the rate-payers to prove this obligation. Great research upon the subject had taken place. A few of the principal grounds of argument will be mentioned. The first order made for throwing any gaol expenses upon the county-rate was in 1781. In this year an order was made by the court of burghmote, that several expenses, including the window tax for the gaoler's house, the gaoler's salary, the repairs of the gaol and the gaoler's house, should, from the Midsummer preceding, be paid out of the county-rate instead of out of the revenues of the corporation. It was contended that a court of burghmote had no authority to discharge themselves from a payment, which they had always up to that time borne, by any such order. It was also argued, that the grant of the city in fee-farm to the corporation, with the right of electing their own bailiffs and gaoler, had vested in them the city, with its walls and gates, and the custody of the gaol; that the gaol itself had been for centuries within one of the gate-towers of the city, which had always been claimed, and allowed, to be the property of the corporation; and that when, in 1637, the tower was found to be insufficient for the accommodation of the gaoler as well as of the prisoners, the corporation purchased the gaoler's house out of their own funds, which building was always afterwards used as part of the city gaol. Another argument made use of was, that one of their own charters, that of Henry 7, had directed that "all issues, fines and amerciaments, with all other profits, commodities, emoluments and casualties, whatsoever they should be, within the city, by the chamberlain of the same should be levied, received and had, to be expended and applied to the use and public benefit of the city, and not otherwise nor in any other manner." It was contended that the acceptance of this charter bound the corporation to apply their funds to the repair and maintenance of the gaol. It was stated, that the corporation had begun to lay the foundation of the new gaol before any order of justices at sessions took place, and that this showed an intention on the part of the corporation originally to build the gaol out of their own funds. It appeared, however, that before the order of justices at sessions, but after the plans had been fixed upon, the channel of the river, at the base of the new wall of the gaol, had been laid dry, in order to allow of some repairs to a bridge, and that the justices had availed themselves of this circumstance to lay part of a foundation wall, in order to save the expense of diverting the course of the river afterwards. The sum expended upon this was never carried to the corporation account, but was carried, with the subsequent expenses, to the county-rate.

Complaints were then made of the system, which had been pursued in the employment of tradespeople, both in the building of the gaol and in the general business of the city.

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An invitation, by advertisement, was given to persons to send in tenders for building the gaol according to the plans made. Seven or eight were sent in, and the lowest was accepted. Notice was given to the person, whose tender was accepted, to provide sureties pursuant to the previous advertisement. The sureties he offered were rejected, on the ground, as the justices stated, that they were both of them tradesmen, whom their principal intended to employ in different parts of the work. There seems to be no weight in this reason, for the contingent liability of these two tradesmen would be likely to ensure the proper performance of their own work at least, so that the very ground of objection appears to offer an additional guarantee to the magistrates. No other sureties were offered by him. An intimation was then given to two of the tenderers, who lived in the neighbourhood, that they might send in fresh tenders; this was done, and the lowest of these was taken. No option was given to the person rejected, or to two persons, living at some distance, who had previously sent in tenders, to send in others. The person, whose tender was accepted the second time, was a member of the common council. Several persons expressed their belief, that the justices had acted from improper motives of favouritism to the members of the corporation. Neither the tradesman rejected, nor the persons, whom he offered as his sureties, were members of the governing body; and the suspicion expressed was, that his intention of not employing corporation tradespeople was the reason of his tender being rejected. One of the persons eventually employed, of the same trade as one of these sureties, was a common councilman; another person employed, of the same trade as the other surety, was a nephew of the surveyor. The justices positively disavowed any such motive as the one attributed to them.

Complaint was also made, that the justices had always employed tradesmen, who were members of the governing body, in all business where their trades were required. This was admitted on the part of the justices, who stated that this preference was always shown by the court of burghmote in the business of the corporation, and that they had always employed the same persons as the court of burghmote employed. The following instance will show the impropriety of this system A bill of one of the tradesmen, employed to put an iron fence upon the walls of the gaol, was particularly brought before my notice. It is usual for the surveyor to examine all the bills sent in for work, which he has superintended, and if he sees no objection to the charges, he signs the bill. It is not usual to pay any of these bills until they have been signed by the surveyor. He superintended the iron work in question. When the bill was sent in, he objected to the charges which had been made, and refused to sign the bill. The tradesman refused to reduce the charges, on the ground of the high wages which he paid his men. It appeared that he was a coachmaker, and that some of the persons employed on this iron palisade were coach-spring makers, at high wages. He stated that the work in question was strictly within his line of business; the surveyor, however, thought otherwise. The justices then called upon him to prove the reasonableness of his charges, by proof of the wages paid, and the time spent upon the work. The surveyor was not required to be present at this examination. Ultimately the bill was passed by the justices without the signature of the surveyor. The tradesman in question is an alderman. Supposing the conduct of all the parties in this transaction to have been perfectly honest, it is not the less evidence of the objection which exists to such a system; a strong suspicion must necessarily be excited in the minds of many persons, which it is very desirable should not attach to the magistrates of the town. The standing surveyor for the city is an alderman and justice; he has an allowance of five per cent. upon the money expended. It was stated that, in the published accounts of the city expenditure from January 1828 to July 1832, six aldermen appear to have received, for the various business in which they had been employed, 1,111*l.* 12*s.* 11*d.*; and 10 common councilmen, 1,115*l.* 6*s.* 4*d.*, exclusive of the contract by tender for building the gaol, the amount of which was 3,097*l.* The whole expense of building the gaol, including such repairs as were necessary during the progress of the work, between January 1828 and July 1833, has been 5,177*l.* 7*s.* 10*d.*, of which 487*l.* 19*s.* 6*d.* was expended in the purchase of some ground. The sum of 3,500*l.* was borrowed according to the provisions of the Act, of which 300*l.* has been paid off. It was stated that the justices, in 1831, came to a determination to employ the tradespeople of the town indifferently.

The payments out of the poor-rate in each of the three last years, ending in June or July, were as follows: in 1831, 692*l.* 12*s.*; in 1832, 1,277*l.* 16*s.*; in 1833, 647*l.* The receipts from fines have been very trifling. The balance is generally in the treasurer's favour. The account of the expenditure seems to contain none but the usual items. The accounts are audited twice every year at the general sessions. A publication of them takes place nearly every year; this has been the case for the last 10 years. When the publication is omitted one year, the accounts of that year are published with those of the following one. In July 1832, a committee was appointed by the court of guardians to request of the treasurer an inspection of the accounts. This was allowed by him, and extracts were made of such charges as were thought to be extravagant. Four days afterwards the treasurer received an order of the justices in petty sessions, requiring him to deposit all the vouchers in his hands with the clerk of the peace, pursuant to the Act 12 Geo. 2, c. 20. He had been treasurer 37 years, and, during that time, had retained in his hands all the vouchers, no such requisition having been ever before made. There can be no doubt, that the reason of it was his having allowed this inspection. He stated that he had never refused an inspection of the books to any rate-payer who asked to see them. He is one of the senior aldermen, and mayor of the present year.

City Gaol.

88. The principal part of the present Gaol was built three or four years ago. The tower, forming one of the gates of the city, constituted the old gaol: the new building adjoins that,

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that, and the rooms in the tower are still used, some of them as cells for female prisoners, and others for males, when solitary confinement is required, or when additional room is wanted. The building was clean and is well supplied with water, but the yard is too small, and there is no area for female prisoners. There is no way of obviating this, on account of the buildings which surround the gaol. It is to be regretted that the new gaol was not built at the skirts of the city, instead of being added to the old one, in one of the most densely peopled parts of it. When there are not many prisoners in confinement, a separation may be made, by placing some in rooms in the tower; but there are scarcely any other means of classification. The only employment given to the prisoners is that of pumping water into the cisterns upon the buildings. There are two rooms above the gaoler's apartments for debtors. The mayor usually visits the gaol once or twice in the week.

House of Correction.

89. Previously to the passing of the first Poor Act, 1 Geo. 2, sess. 2, c. 20, the corporation, as trustees, were possessed of some premises called the Poor Priests' Hospital. Part of these premises were used as a House of Correction. By this Act they are vested in the guardians of the poor, who are required to provide and maintain a good and sufficient house of correction for the use of the city. Two or three dark cells in the workhouse are appropriated for this purpose; they are very small and close, presenting very insufficient means of ventilation, and have no area into which the prisoners can be allowed to go. It would seem to have been very desirable, that, when the new gaol was built, some arrangement should have been made by which the house of correction might have been attached to that building.

Poor.

90. The poor of the 12 parishes within the city, as well as of the parish of St. Paul, the greater part of which is within the county of Kent, and of the parish of Holy Cross, Westgate, are under the management of a court of guardians. The Acts relating to this court are, 1 Geo. 2, sess. 2, c. 20, and 54 Geo. 3, c. cxiv. The guardians are, the mayor, recorder and justices for the city, and 28 inhabitant householders elected annually, two out of each parish. The election is by the rate-payers within the respective parishes. The same persons are frequently re-elected. The elected guardians, ceasing to be inhabitant householders in the parish for which they were elected, or becoming bankrupt or insolvent, vacate their offices, into which others are to be chosen. One of the guardians is to be chosen president and another receiver. A general court is to be held every month; 12 guardians are a quorum; there is no difficulty in procuring the attendance of such a number. In order to grant a rate, there must be a majority of the whole number, which, when all the aldermen are justices, is 22. At the meeting for election of officers there must be two justices present. Complaint was made by some of the guardians, that the court was frequently inconvenienced by the interference of the justices. They stated that the justices took very little part in the general management of the affairs, but that, upon particular occasions, such as the election of officers, they were in the habit of attending, and by their votes and influence frequently carried measures, which the more active guardians and those best acquainted with the affairs considered prejudicial, but were unable to oppose successfully on account of this interference. The justices stated that they seldom interfered, on account of their having to determine any appeals which might be brought. It was quite evident that a considerable jealousy existed between these two bodies. I was unable to ascertain the cause of this: probably some of the circumstances mentioned in section 87, relating to the county gaol, may in some measure account for it. It was agreed by all parties, including the justices, that it was very desirable that the latter should not be officially guardians. The construction and powers of the court were in other respects thought to be injudicious. Some persons thought that one guardian, instead of two, out of each parish would be an advantage. The necessity of electing the receiver from the guardians seems to be very exceptionable, as it may frequently happen that no one of them, who is fit for such an office, can be prevailed upon to undertake it. The power, which each guardian has, of drawing upon the receiver for any sum of money he may choose was thought to be objectionable.

The receiver has a salary of 80 *l.*; the clerk, of 30 *l.* besides his professional bill.

There are usually six rates in the year, each at 2 *s.* in the pound; one of these ought to produce about 1,700 *l.*, but there is generally a deficiency in the collection of about 100 *l.* The assessment is made upon about two-thirds of the actual value. A publication of the accounts takes place every year. A rate-payer may see them at any time on request.

Markets.

91. There are four Markets within the city; the cattle market, the butchers' and poultry market, the fish market, and the corn and hop market.

The cattle market is regulated by an Act, 41 Geo. 3, c. vii., under which tolls are collected by the corporation. The toll upon every horse exposed for sale is 4 *d.*, for every score of horned cattle 2 *s.*, for every score of sheep 1 *s.*; there are others after a similar rate. These tolls have been leased by auction for seven years, at a rent of 193 *l.* The market is well attended.

The tolls of the butchers' and poultry market, and of the fish market, are taken under the provisions of an Act, 5 Geo. 4, c. cxxxiv. They were leased during last year, by auction, for seven years, at a rent of 306 *l.* Every person, selling any provisions elsewhere than in the markets or upon his own premises, is subject to a penalty of 40 *s.* It is customary for the lessee of the tolls to take a composition from persons, who wish to sell their wares in the streets. The penalty, however, may be sued for by any one. The butchers' market adjoins the corn and hop market; they were erected about the year 1804. The corporation borrowed 8,000 *l.* to enable them to build these market houses, 1,000 *l.* of which has been paid. The tolls and hop market were mortgaged as a security for the repayment. Complaint was made by some small dealers of the tolls being too high; some of them stated, that they knew in-

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stances of country butchers having given up the market on account of the tolls. The corporation were asked, whether they reserved the surplus of the tolls and rent, after payment of the interest of the debt, to pay the principal, and whether there was any probability of the tolls ultimately being abolished. The chamberlain stated, that there was not the slightest probability of such a thing, and that the surplus was paid into the general fund of the corporation. He stated that the ground, on which the market stood, belonged to the corporation, to the profits of which they had the right, and that they had always considered the tolls as part of their income.

The corn and hop market is let for 151 *l.* 4 *s.*

Fair.

92. There is a Fair held every year, but it is one of no consequence. No tolls are taken at it by the corporation: the lessee of the cattle market charges something for the standings of stalls and booths.

Patronage.

93. The corporation have no patronage, except the appointment of persons to the benefit of some almshouses, and that of 16 boys for the Bluecoat school, also a charitable foundation. They indeed appoint the Master of a set of almshouses, called Maynard's Spital; but no emoluments whatever are attached to this situation. The present mayor has held it for a great number of years.

Licenses.

94. There are at present 66 licensed public-houses within the jurisdiction of the city. Of these, five have been licensed since 1825; previously to that year no new license had been granted for many years. Of the 61 licensed houses existing before 1825, nearly the whole number is in the hands of four firms of brewers. Repeated applications had been made to the magistrates before 1825 to license other houses, but they had always refused. No person seemed to doubt, that the refusal to grant other licenses proceeded from feelings of consideration to the brewers; but it was dificult to get any definite information as to the motive for them. There can be no doubt whatever that the brewers in question have long had a great influence with the magistrates. Until lately, none of them have been connected with any influential member of the corporation. Political opinions do not seem to have been the cause of this influence. It was stated by a magistrate, that one of the brewers boasted that they had seven out of 13 justices on their side. It was also stated, that there had been a brewer, who was an electioneering agent of one of the Members of Parliament for the city, and that he had the means of influencing a great number of freemen; that any justice, who had opposed this person's interest in the granting of new licenses, would have had little chance of being elected mayor. A magistrate stated, that there had been scarcely any licenses stopped for irregularity in the houses, for that, on any discussion on such a subject, the brewer, who was landlord, had always interfered and obtained the continuance of the license. The interest of the brewers seems to have been openly recognised. In the Sessions Book of 1805, there is an entry that, "on the application of certain brewers," it was agreed to permit a license to be removed to a house then building, and that, when the house should be built, a new license should be granted. Two licenses were granted in 1825, the first after the rule to grant no new ones had been broken through; one of these belonged to the corporation. Of the remaining three granted afterwards, one was granted to the serjeant at mace, another for a house, which, it was stated, belonged to a member of the common council. Great complaint was made of the system pursued by the magistrates towards tolerated men in the granting of licenses. These persons, as was stated in section 82, have the privilege of carrying on any trade within the city. On the application of any one of these persons for a license, when there has not been a determination to refuse it altogether, he has been told to apply again the following petty sessions day; nothing has been said to him by the justices respecting the freedom. Previously to the sessions, he has received a notice from the chamberlain to take up his freedom, with an intimation that no license will be granted until he has done so. Three cases of this kind were proved, and indeed were not denied by the justices, who stated that it had always been customary to require the publicans to take up their freedom. The circumstance of the magistrates giving no reasons for the postponing of the license in such a case, and the immediate intimation of the treasurer of the corporation, seem to show that the former were exercising the discretionary power, vested in them as magistrates, to increase the funds of the corporation. One of the persons, referred to in the above cases, refused to take up the freedom, and after some delay the license was granted. This took place in 1832. Since that time, I was informed that the magistrates had come to a resolution not to require a tolerated person to take up his freedom in future.

Revenue.

95. The following table gives the receipts and disbursements of the corporation in three consecutive years. Some account will be given of the items, composing those of the first of these years. The year ends in September.

RECEIPTS.

——	Rents.	Tolls.	Admission of Freemen.	Enrolment of Apprentices.	Money borrowed.	Fines on Renewal of Leases.	Contingencies.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
18.0–1 -	582 8 2½	670 3 –	522 2 9	3 15 –	- - -	130 – –	63 7 9¾	1,971 16 9¼
1831–2 -	732 12 2½	656 10 –	442 4 5	2 10 –	- - -	234 15 –	123 7 1	2,191 18 8½
1832–3 -	680 12 2½	650 4 –	401 7 4½	3 4 7	2,200 – –	105 19 –	33 19 11½	4,074 18 1½

DISBURSEMENTS.

DISBURSEMENTS.

—	Payment in nature of Salaries.			Permanent Allowances.			Debt paid off.			Interest on Debt.			Subscriptions and Charities.			Tradesmen's Bills.			Contingencies.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1830–1 -	279	1	10	137	19	8	-	-	-	632	10	0	91	16	8	490	11	3¾	242	13	10¾	1,874	13	4½
1831–2 -	279	1	10	137	19	8	-	-	-	620	0	0	105	13	8	433	18	6	266	6	5½	1,843	0	1½
1832–3 -	279	1	10	137	19	8	2,000	0	0	677	8	0	161	16	8	479	1	5½	377	0	5	4,112	8	0½

Rents.

The Rents are derived from houses and land in various parts of the city. Some of this property is let on long leases at small quit-rents. For many years no leases for longer than 30 years, renewable at the end of 10 years, have been granted. The fine on renewal is fixed by the surveyor of the corporation, on a valuation of the property; it averages about one year and a half's improved value. At the present time property is always let by auction at rack-rent, generally upon leases of seven or fourteen years. Some of the rents are small fee-farm and quit-rents derived from the estate once belonging to the monastery of St. Augustine. A sum of 19*l.* 10*s.* is for land-tax redeemed by the corporation, and paid to them by the occupiers. The surveyor stated that a considerable sum of money had been laid out upon the property within the last few years, and that it was in an improving state. The largest single rent is that derived from the Abbot's Mill, which is a large corn-mill close to the city. This is at present let on a lease for seven or fourteen years, at the option of the tenant, at a rent of 240*l.* The difference in the amount of the rents in the three years is caused by this mill being unlet for half a year in 1830–31, and by only three quarters of a year's rent appearing in the account of 1832–33.

Tolls.

The Tolls are derived from the markets; an account of them was given in sect. 91. The variation in the amount of them in the three years is caused by the difference of rent paid for the hop-market previously to the last lease. In 1830–31, it was let for 171 *l.* 3*s.*

Admissions of Freemen.

The fees paid to the corporation on the Admission of Freemen were mentioned in section 54.

Enrolment of Apprentices.

A fee of 2*s.* 6*d.* is paid by each Apprentice on the enrolment of his indentures, of which 2*s.* 1*d.* go to the corporation, and 5*d.* to the chamberlain.

Money borrowed.

The Money, borrowed in 1832–33, was to pay off 2,000*l.* part of a debt, which was called in, and some bills of the corporation, which the income that year was not sufficient to discharge.

Fines on Renewal.

In the account of Fines on Renewal, for 1830–31, is included a sum of 70*l.* paid by a tenant, to be released from his tenancy.

Contingencies.

In the item of Contingencies are included fees taken on tolerations, an account of which was given in sect. 82, amounting in 1830–31 to 30*l.*, and some fines on non-freemen for carrying on trade, amounting to 4*l.* 17*s.* 11*d.* There are also the fees on affixing the corporation seal to leases, amounting to 2*l.* 6*s.* 8*d.*; 6*s.* 8*d.* being paid upon each seal. In the corresponding item in 1831–32 is included a sum of 100*l.* paid by an outgoing tenant for dilapidations.

Average Income.

The Income from every source, upon an average of the last 10 years, amounts to 2,117*l.* 15*s.* 2½*d.* The property of the corporation (including the land, houses, mills and tolls) is estimated by them to be of the value of 36,662*l.*

Unproductive Property.

The only Property of the corporation from which they derive no income, is the Guildhall and the Dane John (or Donjon) Field. The latter is appropriated to public walks.

Salaries.

The Salary of each officer was mentioned in the account given of his functions.

Permanent Allowances.

Under the head of Permanent Allowances are given several invariable payments. The principal of these are, the allowance of 60*l.* to the committee for keeping in order the Dane John Field, the whole of which is expended for this purpose; the payment of 2*l.* 2*s.* to the chaplain for preaching two sermons, and 7*s.* to the sexton and clerk of his parish; an allowance of 5*l.* 1*s.* to the clerk of the chamber, for copying the bills and accounts; 44*l.* allowed

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to one of the serjeants and other persons, for attending and cleaning the markets and weighing the articles sold, which are not included in the preceding item of salaries, and an annual allowance of 7*l.* to the inmates of some almshouses in lieu of a charge, which they had upon the old corn-market.

Debt paid off.

The Debt of the corporation in 1830–31 amounted to 13,559*l.*, since which it has increased, 2,200*l.* having been borrowed in 1832–33, and only 2,000*l.* having been paid off. This debt seems to have been accumulating for many years. A large sum of money was borrowed about 30 years ago by the corporation, in order to make a new street, for which an Act of Parliament was obtained. The buildings of the corn and hop market cost 9,461*l.* 3*s.* 7¾*d.*, for which the corporation received subscriptions of 1,599*l.* 14*s.* 8*d.*, and, to make up the former sum, borrowed 8,000*l.*, for part of which the tolls and building were mortgaged; some of this has been repaid. No provision is at present being made to reduce the debt. The greater part of it is secured on the bonds of the corporation.

Subscriptions and Charities.

The item of Subscriptions and Charities contains several voluntary donations of the corporation to schools, an hospital and a benevolent fund. It also contains an annual payment of 10*l.* 6*s.* 8*d.* to 36 poor women; this is a charge upon some property of the corporation. Under the corresponding item for 1832–33 is included a subscription of 100*l.* towards the building of a bridge. Considerable discussion took place upon this item of expenditure, some of the inhabitants complaining that the corporation had, by the building of this bridge, probably caused a future tax upon the city, and it was contended that they ought to take the repair of it upon themselves. The bridge is built over the river at a part where previously there was a foot bridge, which was built by the corporation but repaired out of the county-rate. There was also a carriage bridge over the deep part of the river, but horses and carriages had to ford the remainder. It was agreed by all parties, that this ford was, at times when the river was high, very inconvenient, and some persons said, dangerous: all admitted that the bridge was an improvement to that part of the city where it is built. There seemed to be no doubt, that the corporation originated the project, and had plans made by their surveyor, before any notice was given to the public. After this, the corporation announced the scheme, and a general subscription was entered into. About 300*l.* was subscribed, 100*l.* of it by the corporation; but this has not been sufficient, and the contractor for the building has not been paid his full demand. The mayor was chairman of the meetings held, and signed the contract on the part of the subscribers; but he seems to have acted individually, and not as representing the corporation. The bridge is close to the Abbot's Mill, mentioned under the head of Rents, and is, no doubt, an improvement to that property, which was the reason of the corporation taking so much interest in the matter.

Tradesmen's Bills.

In the account of the Tradesmens' Bills are included the expenses connected with the sheriff's *Quietus*, amounting to 62*l.* 16*s.* 11*d.*, and the town clerk's professional bill on the corporation of 77*l.* 1*s.* 8*d.* The remainder of the sum is caused by the expenses of repairing the markets and the buildings and fences and other property of the corporation, of coals for the Guildhall, officers' liveries, and by bills for stationery and printing. The three years will furnish a tolerable average of this class of expenditure, but the chamberlain stated that the improving state of the property would gradually diminish the outlay upon it, and that in a few years this item would be less than it now is.

Contingencies.

A few of the principal items, included under the head of Contingencies, will be given. The fee-farm rent of the city to the grantee of the Crown, 13*l.* 6*s.* 8*d.*; fee-farm rent of the estate at St. Augustine's, 2*l.* 17*s.* 4½*d.*; taxes, highway and poor-rates, 66*l.* 10*s.* 4*d.*; insurances, 42*l.* 7*s.*; subscription to a plate at the races, 10*l.*; stamp and fees for an honorary freedom, 8*l.* 5*s.*; expenses on a perambulation of the boundaries, 1*l.* 16*s.* 6*d.*; expense of a flag for the gate tower, 4*l.* 14*s.* 6*d.*; payment towards some improvement in a street, 19*l.* 10*s.*; the allowances to various officers for attending the sessions, halls, courts leet and fairs, an account of which duties has been given in the preceding sections, 23*l.* 13*s.* 4*d.* There are also included several items, amounting to 25*l.* 17*s.* 7*d.*, for dinners. There is a dinner provided at one of the inns at every general sessions, for which 5*l.* 5*s.* are allowed by the corporation towards the magistrates' share of the expense; beyond this, each member of the corporation pays his own share. It is usual to invite the barristers, who attend the sessions, and their share is paid out of the corporation fund. At any other corporation dinners, which may take place, every one pays his own share, except the chaplain, whose proportion is paid by the corporation. The item under the head of Contingencies, in the year 1832–33, is increased beyond the average, on account of the payment of the sum of 150*l.*, part of the costs of the late mayor, incurred in defending the *Quo Warranto* adverted to in sect. 34. The town clerk was unable to state how much more would be required to pay the whole costs. There was an order of a court of burghmote, for making an arrangement with the other party, and paying the mayor's costs.

Audit of Accounts.

The time and manner of auditing the Accounts were given in sect. 62.

Population and State of the Town.

96. The following Table gives the population, at four different periods, of most of the parishes and precincts mentioned in sect. 1. The number of inhabited houses in 1831 is also given, the only year for which the tables furnish a separate account for each parish.

The

The places omitted contain very little population, either within the liberties of the city or within the new Parliamentary borough.

	POPULATION. (a)				INHABITED HOUSES. (b)
	1801.	1811.	1821.	1831.	1831.
All Saints	377	382	454	419	66
St. Alphage	808	699	1,007	1,088	242
St. Andrew	516	489	536	587	89
St. Mary-Bredin	315	595	578	817	162
St. Mary-Bredman	389	414	460	457	81
St. George the Martyr	794	849	1,067	1,277	261
St. Margaret	619	717	791	902	115
St. Mary Magdalen	397	422	480	470	88
St. Mildred	1,153	1,444	1,732	2,013	448
St. Mary Northgate	1,775	1,681	2,444	2,149	484
St. Peter	694	475	749	851	148
St. Martin	171	173	163	169	39
Holy Cross, Westgate, Within	930	850	1,072	192	33
——— Without				814	158
St. Paul Within	567	604	721	799	163
——— Without (Longport)			684		
——— St. Augustine Almonry	- -	738	53	1,025	179
——— St. Augustine Diss[d] Mon[y]			178		
Christ Church	286	248	239	216	32
Archbishop's Palace	- -	150	209	218	31
Ville of St. Gregory	71	236	372	833	181
Stablegate	249	224	257	247	63
East Bridge	- -	- -	34	30	3
St. Dunstan	707	695	719	809	182

The borough of Longport and a very large proportion of the whole population of St. Dunstan's parish have been brought within the Parliamentary borough by the Boundary Bill. The number of acres within the city jurisdiction is 2,780; rather more than 1,470 have been added to the Parliamentary borough. I am unable to give the number of 10*l.* householders within the city or Parliamentary borough, such of them, as are freemen, not being entered in the revising barrister's list as householders. The number of freemen in the list of 1833 is 1,188; the number of 10*l.* householders, within the city, is 306, in the parishes, precincts, and places without the city, but within the Parliamentary borough, is 116.

There is little or no trade within the town, beyond what is required for the supply of the town and neighbourhood. The manufacture of silk and cotton, for which Canterbury was at one time celebrated, has entirely ceased. The markets for all kinds of agricultural produce are well kept up; large quantities of hops, wool and flour, are sent to London. A railway, from Canterbury to Whitstable, has been completed within the last five years, which has much facilitated the communication with London. Since the opening of this, a great portion of the coals and timber, which used to be imported through Faversham, is now imported at Whitstable. The shares in this railway are at a considerable discount; but the revenue from it is gradually increasing, and hopes are entertained of the shares reaching their original price. Some persons stated that the town had gone down, in point of wealth, within the last few years; but this representation seemed to have been made from a comparison of it with its state during, or shortly after, the war, when a large body of military was always stationed there, and when nearly the whole communication with the continent took place through Dover. It was stated, that the manner of letting the corporation and church property was a great hindrance to the improvement of the town, it being notorious, that those properties, and particularly the latter, had not been improved in the same manner as private property. The corporation, however, now always let at rack-rent, on short leases. The following abstract of the imports and exports at Whitstable will give some idea of the variation in the Canterbury trade, as they are principally derived from it.

(*a*) Comparative account of Population, printed by the House of Commons, 1831.

(*b*) Census of 1831.

CANTERBURY.

WHITSTABLE, in the Port of FAVERSHAM.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		Coastwise, including Ireland.				Number of Vessels belonging to the Place; unknown in some Years.	Quantity of Coals brought inwards, the other Cargoes being General Merchandize.
					Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Chaldrons.
1810					234	17,316	181	12,308	- -	10,639
1811	0	0	0	0	143	10,582	132	8,976	82	6,125
1812					136	10,064	105	6,840	81	6,472
1820					221	16,354	106	6,908	- -	9,317
1821	0	0	0	0	198	14,652	131	8,908	81	8,558
1822					273	20,202	202	13,136	- -	8,116
1830	0	0	0	0	415	31,984	273	19,606	99	12,487
1831	2	109 (a)	- -	- -	475	34,321	281	19,331	100	The duty having been taken off, no account is kept, but supposed to average rather more than the last.
	1	130 Deals, &c.	-							
1832	10	512 (a)	- -	- -	430	32,388	288	18,979	100	
	1	156 Deals, &c.	-							

Local Acts.

97. The following are the titles of the Local Acts relating to the city.

34 & 35 Henry 8, c. 18. (Public.) An Act concerning the Privileges of the City of Canterbury.

1 Geo. 2, sess. 2, c. 20. (Public.) An Act for erecting a Workhouse in the City of Canterbury, for employing and maintaining the Poor there, and for the better enlightening the Streets of the said City.

25 Geo. 2, c. 45. (Public.) An Act for the more easy and speedy Recovery of Small Debts within the City and County of the City of Canterbury, and the Liberties and Precincts of the same.

27 Geo. 3, c. 14. (Public.) An Act for paving, cleansing, lighting and watching, the Streets, Lanes, and other Public Passages and Places, within the Walls of the City of Canterbury, and the Liberties thereof; and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein.

41 Geo. 3, c. vii. (Local and Personal, Public.) An Act for enlarging, improving and regulating the Cattle Market, within the City and County of the City of Canterbury.

44 Geo. 3, c. lxxvii. (Local and Personal, Public.) An Act for empowering the Mayor and Commonalty of the City of Canterbury to open and make a new Street from the High-street to Palace-street, within the said City.

54 Geo. 3, c. cxiv. (Local and Personal, Public.) An Act for altering, amending and rendering more effectual an Act of the 1st year of King Geo. 2, for erecting a Workhouse in the City of Canterbury, for employing and maintaining the Poor there, and for other purposes relating thereto.

3 Geo. 4, c. xxxiv. (Local and Personal, Public.) An Act for better supplying the City of Canterbury, and the several Streets and Roads adjoining thereto, with Gas.

5 Geo. 4, c. cxxxi. (Local and Personal, Public.) An Act for better supplying the City of Canterbury, and the several Streets and Roads adjoining thereto, with Water.

5 Geo. 4, cxxxiv. (Local and Personal, Public.) An Act for erecting a Market-house for the sale of Corn, Hops and other Agricultural Produce in the City of Canterbury, and County of the same City; for improving and enlarging the Market Places for the sale of Provisions in the said City and County; and for regulating and maintaining the said Markets.

Documents.

98. Copies of the following Documents are sent with this Report:

1. The Perambulation of the City Boundaries.
2. Translation of the Charter of James 1.
3. Return relating to the Criminal Jurisdiction.
4. Return relating to the Number of Orders of Removal and Appeals, from 1793 to 1827.
5. A Table of the Sessions' Fees allowed by the Court of General Sessions.
6. A Table of the Fees allowed to be taken by the Clerk to the Justices.

7. A Return,

(a) These imports were stone from France, for the cathedral at Canterbury.

7. A Return, for the years 1826 and 1827, relating to the Court of Requests, with a Table of the Fees taken by the Clerk and Beadle.
8. Abstracts of the Accounts of the Treasurer for the County of the City, for three several years, from the 12th July 1830 to the 1st July 1833.
9. Petition of Rate-payers presented to the House of Commons, relating principally to the County-rate and Gaol.
10. Abstracts of the Accounts of the Receiver to the Guardians of the Poor, for each of two consecutive years, ending 2d July 1833.
11. Table of the Cattle Market Tolls.
12. The Bye-laws and Regulations relating to the Butter, Fish and Flesh Markets, with a Table of the Tolls taken at them.
13. The Chamberlain's Accounts, containing the Income and Expenditure of the Corporation, for the year 1832–33.

D. Maude.

REPORT

ON

THE CITY OF CHICHESTER.

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CITY OF CHICHESTER.

1. THE Liberties of the City of Chichester extend in several directions beyond the old line of the walls of the city; they are well known. Nearly the whole of the town and suburbs are comprehended within eight parishes, All Saints, St. Andrew, St. Bartholomew, St. Martin, St. Olave, St. Pancras, St. Peter the Great, and St. Peter the Less. These parishes are all within the liberties, except St. Bartholomew, part of the parish of St. Peter the Great, which parish is also called the Subdeanery, and part of the parish of St. Pancras. The precinct of the Close, which is a parochial district surrounding the cathedral, is excepted out of the municipal jurisdiction of the city. There is also a small extra-parochial district within the walls, which is within the jurisdiction. Limits of the City.

The Parliamentary boundary has been extended by the Boundary Act, and comprehends the precinct of the Close, a part of St. Bartholomew, and additional parts of the parishes of St. Peter and St. Pancras; but parts of these three last are still left out.

The map and Report of the Boundary Commissioners were represented to us to be in the main very correct.

2. The earliest Charter extant is one by king Stephen. By it, Stephen confirmed to his burgesses of Chichester their customs and rights of the borough and guild of merchants, as they had them in the time of his grandfather and uncles, and in the time of Earl Roger. Charter by Stephen.

3. Henry 2 (as appears by an inspeximus in a charter of Edward 3) granted to the citizens of Chichester the same customs and liberties, within and without the city, which they had in the time of Henry, his grandfather, and especially in the ports of Undering and Horemouth, with a prohibition as to any one selling otherwise than as in the time of Henry 1, or turning out of the high roads to avoid the king's customs. It is not specified which Henry granted this and the following charter; we have assigned them both to Henry 2, as the grantor uses the singular number, "I," instead of "We," which seems not to have been the practice in the reign of Henry 3. Charter by Henry 2. Liberties of Henry 1.

4. Henry 2 also, by another Charter, which is in the possession of the corporation, and which is set out in the charter of Edward 3, granted to the citizens of the merchants' guild all the liberties and free customs which they had in the time of Henry, his grandfather, and that no one should sell unless he belonged to the guild, which guild they were to have without any one levying a forfeiture on them. The charter has no date. Second Charter by Henry 2. Grant of Guild and Liberties of Henry 1.

5. Edward 2 granted a Charter in the 10th year of his reign. This states, that in the time of Henry 3 the citizens held the town in fee-farm, at a rent of 38*l.* 10*s.* After reciting that the citizens had besought him to grant it to them in fee-farm at a certain rent, in consideration of a fine, it grants the town to them in fee farm at a rent of 36*l.*, to be paid half yearly, with all eleemosynary payments, saving to the king and his heirs the customs of wool, skins, and hides, and all customs thereafter to be made. Charter by Edward 2.

6. The same king appears also to have granted an Inquisition, to ascertain in what place the County Court could be held for the greater ease of the county; the return to which was, that there was no town of the king's within the county, except Chichester. The recital previous to this grant states that the community were suffering many grievances, because the sheriffs of the county held their courts in different places, so that there was no certain place where the king's writs could be delivered to the sheriff, and that the king had been entreated to provide some certain place. It does not appear that anything was done upon this inquisition until the next reign. This inquisition is recited in the following charter of Edward 3. Inquisition as to the County Court by Edward 2.

7. Edward 3, in the 10th year of his reign, after reciting the inquisition granted by Edward 2, granted that the county court should be held at Chichester, and not elsewhere, and that all "denarii" should be delivered there, upon all issues, causes, and pleas, held there. Charter by Edward 3.

8. Edward 3 also, by a Charter granted in the 11th year of his reign, confirmed the charter of the 10th Edward 2. Second Charter by Edward 3.

9. A Charter also of the same king, dated in the 50th year of his reign, sets out and confirms both the charters of Henry 2 above mentioned. Third Charter by Edward 3.

10. Richard 2, by a Charter granted in the 2d year of his reign, confirmed the three charters of Edward 3. The charter of Richard is set out in a charter of Henry 4. Charter by Richard 2.

11. Henry 4, by a Charter granted in the 2d year of his reign, confirmed the charter of Richard 2. Charter by Henry 4.

12. Henry 6, by a Charter granted in the 20th year of his reign, confirmed the charter of Henry 4, with the advice and consent of Parliament. Charter by Henry 6.

13. A Charter of the same King, dated in the 30th year of his reign, states the holding of the county court of Sussex in Chichester, as the principal place, the incorporation by mayor and citizens from time immemorial, who had held the city of the kings of England at a rent of 6*l.*, and had privileges, and a merchants' guild, and a view of frankpledge, and correction Second Charter by Henry 6.

CHICHESTER.

and assize of bread, wine and beer, and correction of weights and measures, and forestallings and regratings, and other misfeasances within the city, until recently, when the clerk of the king's household had infringed them, and that they had supplicated the king to protect them from this disturbance, and stated that they were near the sea, and that a great multitude were resorting thither, and that they were therefore particularly interested in this assart of bread. The charter then confirms all their liberties, grants them an incorporation, with a mayor to have assize of bread, power of oyer and terminer, and all the powers of a justice of peace, except the determination of felonies without a special writ, with a *non intromittent* clause as to other justices. The charter also protects the citizens from having to collect the fifteenths or tenths, or any of the king's taxes, without the city.

Charter by Edward 4.

14. Edward 4, by a Charter granted in the second year of his reign, confirmed both the charters of Henry 6.

Charter by Henry 7.

15. A Charter of Henry 7, dated in the 15th year of his reign, sets out and confirms the charter of Edward 4. It directs the mayor and his successors to take the oath of escheator. It grants to the mayor and citizens cognizance of all kinds of pleas of assize, "*jurat attinct,*" and certification touching lands and hereditaments of freehold tenure, which could be held before the justices of the King's Bench and Common Pleas, or justices in Eyre, with power to hold a court for them every Monday before the mayor. It also grants a fair, with a court of pie poudre.

Charter by Henry 8.

16. Henry 8, by a Charter granted in the 18th year of his reign, confirmed the charter of Henry 7.

Charter by Edward 6.

17. Edward 6, by a Charter granted in the first year of his reign, confirmed the charter of Henry 8.

Charter by Philip & Mary.

18. Philip & Mary, by a Charter granted in the third and fourth years of their reign, confirmed the charter of Edward 6.

Charter by Elizabeth.

19. Elizabeth, by a Charter granted in the 12th year of her reign, confirmed the charter of Philip & Mary.

Charter by James 1.

20. James 1, by a Charter granted in the second year of his reign, confirmed the charter of Elizabeth.

Second Charter by James 1.

21. James 1, also granted a charter in the 15th year of his reign. This charter differs very little from that of James 2, by which the corporation is now governed. The variations from the latter charter will be noticed. The charter of James 1 states, that Chichester is an ancient city near the sea, and has a good port, and a merchant's guild; that, at the entreaty of the mayor, aldermen, and citizens, in order that the popular and confused method of electing the bailiff might be put a stop to, and at the request of the Earl of Arundel and Sussex, high steward of the city, the king constituted it a free city, with the usual clauses of incorporation: the mayor, and aldermen of that sort who should have been mayor, and also the bailiff, portreeve, and customer, and all who should have served any of these offices, were to form the common council. The common council continue at the present time to be composed of the same class of persons; nothing is said in the governing charter as to the composition of the common council, after the death of the persons nominated by it to be the common council, except that persons while filling the above offices are to be members of it. In the charter of James 1, nothing is said of the appointment of high steward, although the office is recognized; nor, in the clause relating to the election of justices, is anything said of the three senior aldermen being elected. No power of amoval of officers is reserved to the Crown. Power is given to any of the inhabitants to make broad cloth or kerseys.

Charter by James 2.

22. James 2, in the first year of his reign, granted a charter under which the corporation have ever since acted. This charter confirms all the grants, liberties, and customs of former charters (mentioning that of James 1), subject to the restrictions introduced: it reserves to the King in Privy Council power to amove the mayor, high steward, recorder, deputy recorder, coroner, town clerk, clerk of recognizances, bailiff, or any of the justices, aldermen, common council, portreeves, and customers; it contains also a release of all *quo warrantos.*

Title of Corporation.

23. The Title of the corporation in the last charter is, "The Mayor, Aldermen, and Citizens of the City of Chichester."

Officers named in the Charter.

24. The Officers of the corporation named in it, are:

Mayor	1
High Steward	1
Recorder	1
Deputy Recorder	1
Aldermen	indefinite.
Town Clerk	1
Coroner	1
Bailiff	1
Portreeve	1
Customer	1
Citizens	indefinite.
Serjeants at Mace	4

All

All who have served the office of bailiff continue to be called bailiffs: in the above list we have comprehended only the officer of the year.

Other Officers.

25. The following are Officers connected with the corporation, but are not mentioned in the charter:

Treasurer	1
High Constables	2
Petty Constables	11
Crier	1

Freemen.

26. There are at present 57 freemen.

Mayor, election of.

27. The Mayor is elected annually, on the Monday before Michaelmas-day, by a majority of the common council, from such as have served the office of bailiff. By the charter, the election is to be from the citizens: from the freemen's oath hereafter-mentioned, it would seem that the citizens comprehended the whole body of freemen; at present only such as have served the office of portreeve or customer are understood to be citizens; but even upon this supposition, the body from which the election is to take place seems to have been illegally limited. On the Wednesday preceding the election day, the mayor and aldermen meet together, when the mayor puts in nomination two persons. On the Friday following, the mayor, aldermen, and those who have served the office of bailiff, meet, when the mayor repeats his nomination, which is formally entered as approved. On the Monday following, the mayor proposes to the common council the two persons in nomination, from whom is to be elected a mayor for the ensuing year. No bye-law directing this practice of nomination is known; the practice existed in 1685, the date of the earliest corporation record. It is usual for the mayor to nominate an alderman and a person who has served the office of bailiff only, except when there are but few persons of the latter class who are willing to serve the office of mayor; when this is the case, he nominates two aldermen; and the nomination of two aldermen continues for three or four years until the number of bailiffs has increased. Persons are always asked as to their willingness to serve, before they are put in nomination. It is the practice to put in nomination the senior bailiff who is willing to serve as mayor: if an alderman is nominated instead of a bailiff, it is the senior alderman who has served as mayor only once and is willing to serve again: in this case, care is taken that the alderman named with him be senior to him. It is understood, that the mayor is at liberty to change the names in nomination at any time before the election, but no instance is known of any change having been made. The election by the common council on the Monday is by ballot; two balls of different colours (red and white) are given to each member present; the white ball being intended for the junior in nomination, and the red one for the senior. A ballot is then taken, and the election declared. It is thought that the common council has the power of electing a person not nominated by the mayor. This election has for many years been a merely formal one; the junior person is always elected, no instance being known in which there have been more than two or three red balls given. It is generally known before the meeting for election, who is to be elected. The senior person in nomination remains as such for three years; another is then named in his place. There is generally a large attendance of the members of the common council at the election of mayor: it is considered, that 13 must be present to form a valid meeting; no bye-law prescribing this number is known. There have been instances of a person not resident being elected mayor; in such a case the ex-mayor, as a matter of course, officiated during the mayor's absence: one instance is remembered where the ex-mayor officiated for the whole of the year. No amoval from the office is known to have occurred since 1687. In case of the death of a mayor during his year of office, it is understood that the mayor of the previous year would officiate until the annual election day; in the year 1738, however, the mayor died, and there seems to have been an election without a previous nomination; the ex-mayor was elected. The charter directs an election in such a case. The charter provides that no ale-seller shall be a magistrate; this provision is not attended to, as there have been instances of brewers being mayors. The attainment of this office does not appear to be considered an object of ambition.

Deputy Mayor.

28. The charter recognizes a Deputy Mayor, but says nothing as to his appointment. No deputy mayor is ever appointed, except for one purpose, which will be mentioned; in all other cases the ex-mayor officiates. The charter directs the court of record to be held before the mayor, or his deputy for the time being; if the mayor cannot attend, he, or the town clerk, requests some alderman, usually a justice, to attend for him; such attendance is considered to satisfy this clause of the charter.

High Steward, appointment of.

29. The High Steward is appointed by the Crown. The charter names the high steward for the time, but says nothing of any future appointment. He is not sworn before the corporation, nor is any notification made to that body of the appointment. The present high steward is a nobleman, who has a residence in the neighbourhood; the representative of the family has held the office for three or four generations.

Recorder, election of.

30. The Recorder is elected by the mayor and common council. He holds for so long as he shall conduct himself well. In the election to this or any other office it is usual for the mayor to propose a name to the body: any member has himself a right to propose a candidate, but it is customary to ask the mayor, as chairman, to propose such candidate. No contest for any office has occurred for many years, but it is supposed that the mayor would propose any number of names which he might be requested to propose. The present recorder was elected in 1819: he is a chancery barrister residing in London; he does not attend any circuit. He is a freeman.

CHICHESTER.

Deputy Recorder, appointment of.

31. The Deputy Recorder is appointed by the recorder under seal: a new appointment takes place on a new recorder being elected: it has been usual to continue the same person in office. The present deputy recorder was appointed in 1823; he is a practising attorney and a partner of the town clerk; he succeeded to the office on the death of a gentleman who had previously been town clerk, and was another partner of the same firm. He had been elected a member of the common council previously to his appointment as deputy recorder.

Aldermen, how made.

32. The Aldermen are all those who have served the office of mayor; they become aldermen without any election. There are at present 16; of whom three are non-resident.

Town Clerk, election of.

33. The Town Clerk is elected by the mayor and common council in the same manner as the recorder: the office is held for so long as he shall conduct himself well. The present town clerk was elected in 1812; there was no other candidate: he succeeded his partner, who vacated his office by being appointed deputy recorder: he had been a member of the common council five years when he was elected town clerk. He is a practising attorney in partnership with the deputy recorder: there is a third partner, who is a member of the common council.

Coroner, election of.

34. The office of Coroner seems to have been always joined with that of town clerk: the election into the office of coroner is mentioned in the corporation records, in the entry of the election of the town clerk.

Bailiff, election of.

35. The Bailiff is elected by the common council annually, on the same day as the mayor. The person elected is almost invariably the senior common councilman, who has not served the office, and is willing to serve: whether he will do so is ascertained before he is elected. The mayor proposes him to the meeting. The only contest for this office, which is remembered, took place in 1782. In that year the senior common councilman was not proposed by the mayor, but by some other member: a person, junior to him, was proposed by the mayor. A contest took place, and the latter was elected by a small majority. This election took place about the time of an election of Members of Parliament for the city. The person not elected bailiff was an attorney, and the agent of one of the candidates for the representation of the city, who was considered to be opposed by the corporation; this was no doubt the reason of the deviation from the usual practice. He has not been elected since that time; it was, however, suggested that the offer to propose him might have been made to him by some subsequent mayor, and that it might have been declined.

Besides the officiating bailiff of the year, there are at present seven others who have served this office, but have not served the office of mayor; these are all called bailiffs: of the eight, six are non-resident, two of whom were non-resident at the time of election.

Portreeve, appointment of.

36. The Portreeve is appointed annually by the mayor: it is usual for the mayor to nominate this officer at a meeting of the common council, and to receive their consent; but it is understood that they would have no right to refuse the appointment. The appointment is not made on any particular day; the mayor may appoint at any meeting during his year of office. The person nominated need not be a freeman, nor be resident. It is usual for the two persons who are to be appointed portreeve and customer, to arrange between themselves which of the two offices each shall take: the only difference in the two is, that the portreeve is placed first on the common council list, and is thus probably elected into the higher offices first. The fees payable on the appointment of this officer will be mentioned in the next section.

Customer, appointment of.

37. The Customer is appointed by the mayor precisely in the same manner as the portreeve.

The portreeve on his appointment has to pay to the treasurer of the corporation 43*l.* 13*s.* 10*d.*; the customer the sum of 25*l.* 7*s.* 10*d.* In practice, however, it is usual for each to pay half of the aggregate of these two sums, which aggregate, amounting to 69*l.* 1*s.* 8*d.*, is distributed in the following manner:

	£.	s.	d.
Town clerk	9	7	–
Court leet jury	5	5	–
2 Serjeants at mace	17	6	8
Corporation fund	37	3	–
£.	69	1	8

The half paid by each is 34*l.* 10*s.* 10*d.*

Of the first item of 9*l.* 7*s.*, the town clerk receives a fee of 2*l.* 2*s.* the stamps are 6*l.*, and the serjeants and crier have 1*l.* 5*s.* The sum paid to the serjeants is not a fee, but is in fact the salary of two serjeants, called the portreeve's serjeant, and the customer's serjeant, as will be mentioned below. The item of 37*l.* 3*s.* will be accounted for under the head of Funds, section 76.

Citizens and Common Council, what.

38. The Citizens are those who have filled any one of the above offices. They constitute the Common Council. It would seem from the freemens' oath, hereafter mentioned, that the freemen were anciently citizens; but there is now no election or admission beyond the election into the particular office. The only addition ever made to this body is by the appointment annually of the portreeve and customer. As those officers have no functions attached to them, residence is not considered necessary. The considerations which have influenced the admission into the corporation have been grounded less on political opinions than on the wish to maintain the interest of a particular family in the borough. This family seems

seems to have been connected with the corporation as far back as the corporation books go. The head of the family has been for several generations high steward, and, besides this, has, in one instance at least, served the office of mayor. Occasionally he has been asked, whom he wished to be elected into the common council; when this has not been done, care has been taken not to appoint any one who was not considered likely to support this family influence. It was mentioned to us that, in 1776, two persons were appointed portreeve and customer, whose political opinions were opposed to those of the family alluded to. The fact of this being mentioned to us seems to show the rarity of such an occurrence. There are at present five members of this family in the corporation; one is high steward, a brother of this last is a bailiff, and two other brothers are members of the common council, but have not served that office. Several of the aldermen have sons, or other near relations, in the common council. Religious differences have not influenced the election into the corporation; there are now four aldermen who are dissenters from the Church of England. There are at present 37 members of the common council, exclusive of the aldermen and bailiffs; of these, 17 are non-resident, of whom 9 were non-resident at the time of their appointment.

Serjeants at Mace, election of.

39. The Serjeants at Mace are elected by the common council; the office is held during pleasure. There are four serjeants, called respectively the mayor's, bailiff's, portreeve's, and customer's serjeants. There is an instance of two candidates having been nominated for this office, on which occasion the election was determined by ballot.

Treasurer, election of.

40. The Treasurer is elected by the common council in the same manner as the recorder and town clerk. The present treasurer is an alderman and justice.

High Constables, appointment of.

41. The High Constables are appointed at the court leet by the steward; he selects two of the tradespeople of the town for this office. There is no disinclination amongst the higher class of tradespeople to serve.

Petty Constables, appointment of.

42. The Petty Constables are appointed annually at the court leet by the steward; there are 11 of them, one for each ward. They are selected in turn from the householders. It is customary for the person who is serving the office in each ward, before the expiration of his year, to give notice to the occupier of the house next adjoining the one from which he himself was selected, that it will be his turn to serve, and to return his name to the steward of the court leet. A female occupier of a house is always called upon to find a substitute; and, indeed, it is usual for all the petty constables to find substitutes, to whom they pay about 15*s.* a year; the same substitutes are generally appointed every year. The principals do not usually attend the court leet. The substitute informs the steward whose turn it is to serve, and that he himself has been appointed substitute by such person. Both the principal's and substitute's names are entered in the court leet book; and the latter person is sworn in for the particular ward. The wards are ancient districts of very unequal extent. A person is seldom called upon to serve twice, unless he changes his ward, in which case he takes the rotation of his house in the new ward.

Crier, election of.

43. The Crier is elected by the common council; he holds office during pleasure.

Fines.

44. No Fines are ever imposed for refusing to serve any office.

Freemen, how admitted.

45. Besides the citizens already mentioned, there are Freemen, a body at present scarcely connected with the corporation, as they have no voice in any meeting, nor are any of the officers necessarily elected from them. The admission into this class has been considered as a mere compliment; but as they had a share in the elective franchise, the same considerations have been to a certain degree attended to in the admission of freemen, as those which have been adverted to with respect to the election into the common council, section 38. The election is made by the common council. The mayor proposes. It is presumed that he would propose any person at the request of a common councilman. Sixty-six have been elected within the last 30 years. Some of them are persons of rank or eminence, unconnected with the town. There are at present 57, of whom only 9 are resident.

There is no right of freedom acquired by birth or servitude.

The expenses of admission are:

	£.		
Stamp	3	–	–
Town clerk	1	1	–
Serjeants and crier	–	12	6
£.	4	13	6

There was a resolution of the common council, passed 16 or 17 years ago, that these fees should be paid out of the general fund of the corporation; but this did not continue in force long; it was rescinded in 1821. The entry states that the individual is admitted to the freedom of the merchant guild within the city. The oath of admission is, that the person admitted shall be a true and faithful free citizen, and maintain the merchants' guild.

Governing Body. Common Council.

46. All orders and resolutions are made by the citizens, who are called the Common Council. Twenty-four hours notice of every meeting is considered necessary. The purpose for which the meeting is to be held is not specified in the notice. In order to make a valid meeting there must be 13 members present. The corporation has frequently appointed committees to manage particular departments of business.

Remarks on the Constitution of the Governing Body.

47. It has been shown that the mayor for the year nominates the only two persons who are admitted into the corporation; he also nominates the two persons from whom his successor is to be chosen; so that, as the system now exists, it would be possible for three persons, by combination, to nominate every citizen.

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Mayor, functions of.

48. The Mayor is a justice of peace for his year of office, and for the year following. The duty imposed upon him by this office is not very onerous: he is expected to attend to any business requiring a magistrate more regularly than the aldermen, who are justices, but the greatest part of the business is done by the deputy recorder. The mayor always attends the petty sessions for the borough, which are held once a week.

He is sole judge of the court of record. If it is inconvenient to him to attend this, he requests some one to sit for him as his deputy.

He is clerk of the market, but performs no duties as such.

He is escheator within the liberties of the city.

He is also empowered by the charter to take recognizances of debts.

He is the returning officer in the election of Members of Parliament for the city.

He is (if he reside and pay poor-rates) a guardian of the poor, under stat. 26 Geo. 2, c. 99, and a manager under the Lighting Act, 1 & 2 Geo. 4, c. lxviii; he is also a commissioner under the Paving Act, 31 Geo. 3, c. 63. *See* Sections 65, 69, 70.

He has at present no salary. Until this year (1833) the mayor has always been allowed a salary of 160*l.* This was intended to defray the expense of the hospitality which he was expected to exercise. It has been customary for the mayor to give several dinners during his year of office. We were told that the expenses of the office of mayor have frequently been from 150*l.* to 200*l.* above the allowance. Since the election of mayor in 1833, a resolution was passed by the common council, that in future the mayor's salary should be discontinued. The cause of this was the debt which the corporation had incurred. The only entertainment which the mayor is now expected to give is the dinner on the election of mayor. For this it is supposed that he will have to expend 50*l.* or 60*l.* He has also to pay about 14*l.* to the serjeants and crier. This is a money composition for a breakfast, which used to be given to them by the mayor every week. It is called "the board wage."

He receives nothing for affixing the corporate seal.

He has no mansion-house.

It is usual for the mayor to appoint a chaplain, to whom 5*l.* 5*s.* is paid out of the general fund.

High Steward, functions of.

49. The High Steward has no functions, besides being a guardian of the poor, under stat. 26 Geo. 2, c. 99; a manager under the Lighting and Watching Act, 1 & 2 Geo. 4, c. lxviii; and a commissioner under the Paving Act, 31 Geo. 3, c. 63. *See* Sections 65, 69, 70. He takes no active part in any of these duties. He has no salary.

Recorder, functions of.

50. The Recorder is a justice of the peace, but never acts, except at the quarter sessions. These he generally attends three times out of four on the average: when he does not attend, the deputy recorder acts for him. Twice it has happened that neither recorder nor deputy recorder were present at the quarter sessions; this occurred in 1812, and in 1830. He is always informed, previously to the sessions, what business is expected. He is by office a member of the common council.

He is (if he reside and pay poor-rates) a guardian of the poor, under stat. 26 Geo. 2, c. 99, and a manager under the Lighting Act, 1 & 2 Geo. 4, c. lxviii; he is also a commissioner under the Paving Act, 31 Geo. 3, c. 63. *See* Sections 65, 69, 70.

He has a salary of 3*l.* 6*s.* 8*d.*; he is not allowed travelling expenses.

Deputy Recorder, functions of.

51. The Deputy Recorder is a justice of the peace. The present deputy recorder acts as justice more than any other of the city magistrates. He generally attends the quarter sessions, and acts for the recorder when absent.

He is by office a member of the common council.

He is a commissioner under the Paving Act, 31 Geo. 3, c. 69. *See* Section 70.

He has no salary nor allowance.

He and the town clerk are joint clerks to the county magistrates of the adjoining district. The former was appointed to this situation in 1823.

Aldermen, functions of.

52. The Aldermen have no functions or powers as aldermen.

Justices.

Three of the aldermen are annually elected justices by the common council. The charter directs the election to be of three "of the more honest, circumspect and skilful, or the senior aldermen." In practice, it is usual to elect the three senior resident aldermen who are willing to take the office. The other justices are the mayor, recorder, deputy recorder, and the last mayor. The greatest part of the duty devolves upon the mayor and deputy recorder.

The justices, if they reside in the city and pay poor-rates, are guardians of the poor under the Poor Act, 26 Geo. 2, c. 99, and managers under the Lighting Act, 1 & 2 Geo. 4, c. lxviii. *See* Sections 65, 69. They are also commissioners under the Paving Act, 31 Geo. 3, c. 69. *See* Section 70.

Town Clerk, functions of.

53. The Town Clerk is clerk of the peace, clerk of indictments at the quarter sessions, and clerk to the magistrates for the city.

He is the prothonotary of the court of record. A junior partner generally attends this court in his place.

He is steward of the court leet. There is no separate appointment to this office.

He is coroner within the liberties.

He is considered the attorney and solicitor of the corporation.

He is also clerk to the corporation under the New Market Act, for which he has a salary of 15*l.*

He is by office a member of the common council.

He has a salary of 30*l.*

He

He gave us the following as an average of the emoluments of his office:

	£.	s.	d.
Salary	30	–	–
Emoluments as clerk of the peace, clerk of the indictments, and clerk to the magistrates, about	46	–	–
Fees as prothonotary in the civil court	15	–	–
Profits as solicitor in drawing leases	20	–	–
Fees as coroner (two inquests the annual average)	2	–	–
Fees on the appointment of portreeve and customer	2	2	–
Fees on the election of freemen (66 in 30 years) one guinea each	2	2	–
Salary as clerk of the new market	15	–	–
He has also a fee of 6*s.* 8*d.* each time the corporation seal is affixed: the number of seals does not average above three in the year	1	–	–
£.	133	4	–

He has also 10 guineas from each person returned as Member of Parliament for the city, out of which he has to pay for the stamp and indenture, which cost about 4 *l.*

54. The Coroner has an exclusive jurisdiction within the liberties: the average number of inquests in the year is two. Coroner, functions of.

55. The Bailiff seems to fill the situation of sheriff in the court of record; all the process of the court is directed to him. In practice, however, everything is done by the town clerk and serjeants. Bailiff, functions of.

There is a court called the Bailiff's Court of Liberty: nothing whatever is done at this.

Practically the bailiff has no functions whatever. He has no emoluments. He has to pay the salary of his own serjeant, 8*l.* 13*s.* 4*d.*

56. The Portreeve has no functions nor emoluments. He has to pay the salary of his serjeant, 8*l.* 13*s.* 4*d.*, which is one of the items mentioned in sect. 37. Portreeve, functions of

By the oath taken by the portreeve, it appears that he had anciently to collect certain rents and amerciaments.

57. The Customer has no functions nor emoluments. He has to pay the salary of his serjeant, 8*l.* 13*s.* 4*d.*, which is included in the fees in sect. 37. He also appears by the oath to have collected certain duties in earlier times. Customer, functions of.

58. The Citizens form the governing body or common council, as has been mentioned. They are exempt from half the quay and basin dues mentioned in sect. 76. If a citizen be in partnership with any persons not citizens, the exemption extends only to his proportion of the goods; for instance, if he has two partners not citizens, there is an exemption of one-sixth of the quay and basin dues. The citizens are also considered to be exempt from serving on juries. They have no other privileges. Before the Reform Act they joined with the freemen and scot and lot voters in electing Members of Parliament. Citizens, privileges of.

59. The Serjeants at Mace act as the servants of the corporation; and they attend the mayor with the mace. Each of them receives 2*l.* 10*s.* annually from the mayor, instead of a breakfast every week, which used to be given to the serjeants and crier. They execute all the serviceable process of the court of record, and are the nominal attornies in whose names all the business of the court must be carried on. Serjeants at Mace, functions of.

The mayor's serjeant is the gaoler of the city prison, for which he has a salary, out of the general fund, of 25*l.*; he is also allowed 5*l.* in lieu of some fees which were abolished by Act of Parliament. He has a house within the gaol. He is employed by the treasurer to collect the quit-rents, for which he has an annual allowance of 5*l.*, paid by the treasurer himself. He always pays over to the treasurer the full amount of quit-rents, and takes the risk of any loss from arrears. He is also employed by the city magistrates, with the crier, to inspect weights and measures, for which he has 5*l.*

The bailiff's serjeant summons all the juries for the court of record, quarter sessions, and court leet. He is the only serjeant who executes the bailable writs. His fees, upon the execution of process, average about 4*l.* or 5*l.* in the year. He has a salary of 8*l.* 13*s.* 4*d.*, paid by the bailiff. He has the care of the council chamber, under which he has a house, rent and tax free.

The portreeve's serjeant has a salary of 8*l.* 13*s.* 4*d.*, paid by the portreeve. His fees upon summonses in the court of record average about 3*l.* or 4*l.* in the year.

The customer's serjeant has the same salary, paid by the customer. He receives nearly the same amount of fees in the court of record as the portreeve's serjeant.

60. The treasurer keeps the accounts of the corporation: every thing is paid to him and by him. The accounts are made up to Michaelmas, and are audited at a meeting of the common council about January. Previously to the audit they are examined by a small committee of members. By a resolution passed in 1822, the mayor and any five, and not less than three, of the members of the common council, are, once in the year, when called upon by the treasurer, to examine the several items in the bills delivered in to the body, and brought into the treasurer's annual account, previously to the treasurer's passing his accounts at the meeting. It is not usual for any one, besides the members above mentioned, to go into a minute examination. No greater number is required at this meeting than at any other; Treasurer, functions of.

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13 members must be present, but there is generally a full meeting. The functions of the treasurer seem to have been formerly exercised by an officer entitled steward. The treasurer has a salary of 20 *l.*

High Constables, functions of.

61. The High Constables are expected to act as peace officers when called upon. The petty constables are considered to be, in some measure, under their direction.

Petty Constables, functions of.

62. The Petty Constables have the usual duties of such officers.

Crier, functions of.

63. The Crier attends the quarter sessions and court of record.

He also collects the tolls at the fairs.

He has no salary, but receives 1*s.* 6*d.* a week, instead of a breakfast, from the mayor. He sometimes has clothes given to him by the corporation.

He is also allowed 5*l.* out of the city rate, as inspector, with the mayor's serjeant, of weights and measures.

His employment in crying last year produced about 35*l.*

Freemen, privileges of.

64. The Freemen have no Privileges whatever. Before the Reform Act they joined with the citizens and scot and lot voters in electing Members of Parliament. There is now no restraint of trade within the city; by the early charters already mentioned, some such privilege as exclusive trading seems to have existed at least from the time of Henry 1; and at the beginning of the first journal, which commences in 1685, eight guilds of artificers are enumerated; an inference of the same sort may also be collected from the form of the freemens' oath, mentioned in sect. 45.

Jurisdiction of Corporation.

65. The courts over which the Corporation have jurisdiction are, the court of quarter sessions for the city and liberties, the court leet, the court of record, the bailiffs' court, and the court of pie poudre; the last has been long obsolete.

Court of Quarter Sessions.

The Court of Quarter Sessions has jurisdiction in capital felonies. The grand and petty juries are summoned from the same class of persons. The town is intersected by four principal streets; one of these, with the streets leading into it, is taken each quarter sessions, for the purpose of selecting from it the grand jury. The bailiff's serjeant goes round to the upper class of tradesmen, and summons 24 of them as grand jurors; this nearly exhausts the number of those who are ever summoned, so that the same persons have to serve nearly twice every three years. It is not usual to summon the highest class of inhabitants upon the juries. The petty juries are not summoned by districts, but from the town generally; the same person is not summoned on two successive quarter sessions, either as grand or petty juryman. It is usual to put on the petty jury six or seven persons who have served the office of high constable. The members of the corporation are considered to be exempt from serving on juries, and are never summoned; it was not known whether or not the freemen had this exemption. None of the inhabitants are liable to serve on county juries. The recorder generally attends. There is usually a full attendance of justices. The town clerk is the clerk of the peace and of indictments. The usual borough appeals are tried. Barristers do not attend, unless specially retained.

The following is an analysis of the offences tried in two successive years.

From Michaelmas sessions 1831 to Midsummer sessions 1832, both inclusive:

Felonies.	Misdemeanor.	Convictions.	Transportation.
13	1	10	1

From Michaelmas sessions 1832 to Midsummer sessions 1833, both inclusive:

Felonies.	Misdemeanor.	Convictions.	Transportation.
10	0	10	1

In 1818, a person was convicted of murder and executed. The last execution, previous to that, took place about 40 years before, upon a person convicted of horse-stealing. It is now the practice, in a case where execution is likely to follow, to commit for trial at the assizes. The average expense of a prosecution, allowed out of the city rate, is 30*s.*; the usual allowance is, on each deposition, 2*s.*; indictment, 7*s.*; each recognizance, 5*s.* The county magistrates have no jurisdiction within the liberty of the city; there is a non-intromittent clause in the charter, both as to justices and sheriffs; but it has not been acted upon with respect to the latter.

Court Leet.

The Court Leet is held on the last Monday in November, before the town clerk, as steward. The bailiff's serjeant summons the jury, in the same manner, and from the same class of persons, as the grand jury at the sessions. The turn to serve at the court leet comes round in six or seven years; there is no disinclination to serve. An allowance of 5*l.*, or sometimes 5*l.* 5*s.*, out of the portreeve's and customer's payment made on their appointments, is made to the jury, to provide a dinner for them. No presentments are made by the jury. They are considered to be sworn for the year. No formal adjournments are made. They go round the town, usually three times in the year, on notice by the foreman, to examine the weights and mea- sures and state of the provisions in the market. They frequently make seizures; sometimes they correct and restore the weights. They never impose fines. The constables are sworn in at the court leet.

Court of Record.

The Court of Record is held before the mayor or his deputy for the time being. No formal deputation is made by the mayor; if it be inconvenient to him to attend the court, either he or the town clerk sends to some alderman, generally one of the justices, to request him to attend. The court has jurisdiction over all actions, real, personal and mixed; actions

of

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of ejectment have been brought, but no instance was remembered of any having gone to trial. The jurisdiction is unlimited in respect of the amount of debt or damages recoverable; in one instance we were told that a person was arrested for 1,100*l.* or 1,200*l.* An acknowledgment within the liberties of a debt incurred without is considered sufficient to give jurisdiction. The court is held every Monday. The suit is by plaint, the process serviceable and bailable; a step in the cause may be taken every court day. If the defendant do not appear, the plaintiff may get judgment in about 15 days. If the defendant appear and plead and go to trial, the plaintiff may have judgment and execution in about five weeks. The town clerk is the prothonotary and taxes the costs; he also takes the evidence and directs the jury. The jury are summoned from the same persons as the court leet jury, by the bailiff's serjeant. The process is directed to the bailiff, and executed by his serjeant; in practice the bailiff never attends the court, and every thing is done by the town clerk. The four serjeants are the only attornies of the court; the suits must be carried on in their names. It seems from this that, as the bailiff's serjeant summons the jury, a party might, in fact, by choosing the bailiff's serjeant as his attorney in court, have his jury summoned by his own attorney; and although it does not appear that this peculiarity has been applied to packing a jury, such a circumstance does not appear impossible, as the serjeant might be controlled by a threat, by the party, of employing another serjeant, and of thus depriving him of his fees. At the trial any one is allowed to act as advocate. The number of writs issued out of the court from Michaelmas 1826 to Michaelmas 1833, was 463; of which 381 were for claims under 10*l.*, and 82 for claims above 10*l.*; of these, 11 actions were tried, 170 compromised, 272 judgments signed for want of plea, and 10 judgments signed by non. pros. Execution was issued in 66 of the cases; in 30, by *fi. fa.*; in 36, by *ca. sa.*

The costs in the court have been lately reduced. At present the costs of an action, including the writ of execution, in case of judgment by default, without writ of inquiry, are about 4*l.*; the costs of an action brought to trial, including the writ of execution, about 7*l.* or 8*l.* The town clerk has endeavoured to reduce the length of the pleadings. Much dissatisfaction was expressed to us by several persons, and particularly by some members of the corporation, including the town clerk, at the manner in which the court had operated. The cause of this was the smallness of the sums for which some actions had been brought, and the great amount of costs to which the defendants had been subjected. This, we think, might have been in some measure prevented by the corporation. The serjeants being the only recognized attornies of the court, any person can carry on a suit in their names; the consequence of this has been, that persons not admitted as attornies have advised, and practically conducted, actions for debts of very small amount, and costs have been incurred by one or the other party, which would not have been incurred had regular professional persons, under the control of the court, been employed. Had this custom of carrying on the business through the serjeants been abolished, and had attornies been admitted in the court, many of these instances would probably not have occurred. One bill of costs, in an action to recover a debt of about 25*s.*, in which there was no trial, amounted, we were told, to about 12*l.* We are not aware how the payment of these costs was enforced, or whether it was ever resisted. In consequence of some of these cases, a meeting of the mayor, deputy recorder, and an attorney, took place, and a table of costs was agreed upon, in order to reduce the expenses of a suit. We were informed that the costs at present are not sufficient to induce a professional person who is in much practice to conduct an action in the court. The number of actions had increased within the last few years, but we were told that it was again decreasing. The number of suits for 1831, 1832 and 1833, up to November, was 80, 61, 39 respectively.

Bailiff's Court.

The Bailiff's Court of liberty is proclaimed on Monday in every alternate week, except during the interval between the latter end of May and the day of election of the mayor; it is adjourned from the former to the latter period. Nothing whatever is done in this court, nor is any thing known of the purpose for which it was intended. The bailiff himself does not attend at the proclamation of it.

Petty Sessions.

The Petty Sessions are held every Saturday. The town clerk is clerk to the magistrates. The business is chiefly done by the mayor and deputy recorder. The county magistrates also hold a petty sessions within the city on the same day.

Police.

Besides the constables already mentioned, provision is made for the watching of the city by a lighting and watching Act (1 & 2 Geo. 4, c. lxviii). This Act is put under the management of the guardians of the poor, created and incorporated under the provisions of the Poor Act (26 Geo. 2, c. 99), mentioned in section 69, who are the high steward, mayor, recorder, and justices of the city, and 30 inhabitants, chosen out of the several parishes, in different proportions, by the rate payers; the guardians, excepting the high steward, are not to act unless they reside and pay poor rates, and the elected guardians are not to remain for more than two years in succession. The corporation guardians do not, in practice, act so much as the elected guardians. The Act takes in the whole of the parishes, and the close and the two extra-parochial districts mentioned in sect. 1, thus extending beyond the new Parliamentary boundary as well as the liberties. The Act 2 Geo. 4, c. lxviii, authorizes rates, not exceeding 1*s.* in the pound upon the annual value, to be levied upon the occupiers of property. The average amount of rates levied is 1*s.* 6*d.* in two years, by three rates of 6*d.* in the pound each. One of these rates produces about 300*l.* The rate is considered to be made upon two-thirds of the rack rent; upon the larger houses we were told that it was, in fact, made upon not more than one half. The guardians of the poor had power to light the town under the Poor Act 26 Geo. 2, c. 99, already mentioned. These powers are not repealed by 2 Geo. 4, but they

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are considered to be merged in the latter, the object of which is to light the city with gas, which is the only method now adopted. There is no separation of the funds applied to watching from those applied to lighting: in the year ending Easter 1832, the former cost 124*l.*, the latter 460*l.* Only four watchmen are employed, but no inconvenience is felt from there not being a larger number. The town is well lighted. The guardians are not in debt.

Jurisdiction, concurrent or in vicinity.

66. The county court for the western division of the county is held on alternate months at Chichester and Lewes. We were told that it was much resorted to, but that some delay or inconvenience was found to result to the inhabitants of Chichester, from its being held at Lewes alternately with Chichester.

Whether the Jurisdiction require extension.

67. No great inconvenience has been experienced from the close not being within the city jurisdiction. As there are county magistrates residing in the town, there is no difficulty in getting warrants backed by them; still we think that it would be advisable to include this district, lying as it does in the heart of the town, within the corporation jurisdiction. Some of the suburbs also are without the liberties, which might be usefully comprehended. We think that it would be advisable, at least for the sake of uniformity, to make the municipal co-extensive with the Parliamentary borough.

City Gaol.

68. The City Gaol is quite insufficient. Debtors are confined in it as well as criminal prisoners. More persons are often obliged to be confined in it than can be properly contained. There is a very small and close yard for the prisoners; as it is the only area to the gaoler's house, he uses it also for domestic purposes. No classification of criminal prisoners is possible.

The mayor's serjeant at mace is gaoler, and receives from the city rate 15*l.* per annum as gaoler, and also 5*l.* in lieu of some gaol fees abolished by Act of Parliament. The mayor's chaplain officiates as chaplain to the gaol, but receives nothing from the city rate. The gaoler's wife acts as matron, but receives no salary.

All persons sentenced to hard labour are sent to the county gaol, as there are no means of putting them to labour in the city gaol. When it has been thought advisable by the justices to separate, from other prisoners, persons apprehended before final committal for trial, the latter have hitherto been given in charge to constables, who have usually taken them to public-houses, in consequence of the gaol being quite insufficient to allow of any separation; an agreement has therefore been made between the county and city magistrates, that the county and city shall each contribute 10*l.* a year for the rent of a house, to serve as a place of confinement in such cases. The county justices are to have the use of it for the same purpose, instead of being compelled to send persons, before final committal, to Petworth.

There is a lock-up house under the council chamber, which is used for temporary purposes.

Poor.

69. The management of the Poor is regulated by the Act of 26 Geo. 2, c. 99; the whole of all the parishes mentioned in sect. 1, as well as the close, are within its operation. The guardians were mentioned in sect. 65, under the head of police. Last year there were 12 rates made, of 6*d.* in the pound each, upon the same scale of value as was mentioned in sect. 65. The rates are to be certified to the city justices, and also to two county justices; they are collected by the overseer, and paid over to the treasurer. So much of the district as lies within the liberties, excepting the close, has part of its rates paid from a charitable bequest. The exoneration amounts, in two years, to about as much as the part of the district benefited would be required to pay on three rates. Whenever funds are drawn from this bequest, there is imposed on the benefited district only what is called a "dumb rate." The accounts are audited at meetings of the guardians. The rate-payers are not allowed to see the books. There is no debt.

Paving.

70. There is a Paving Act (31 Geo. 3, c. 63) under which the high steward, mayor, recorder, deputy recorder and justices of the city are commissioners, together with upwards of 80 other persons named. As vacancies in the number of non-corporate commissioners occur, they are filled up by the remaining commissioners. All the non-corporate commissioners must be resident within one of the eight parishes, or the close, and in possession or receipt of the rents and profits of messuages, buildings, or lands, within the walls of the city, exclusive of so much of the close as is not a part of South-street in the city (which is not included in the Act), of the yearly value of 20*l.* The corporate commissioners do not take any leading part in administering the Act: the operation of the Act is confined within the walls of the city. The rate is limited to 9*d.* in the pound on the rack-rent: the usual collection in the year is 1*s.* in the pound upon the poor-rate assessment; which last being upon two-thirds of the annual value, the collection is somewhat less than the amount limited by the Act; it amounts to about 520*l.* in the year. The corporation are rated at 400*l.* upon all their property, except the council house, upon which they are separately rated. The commissioners are in debt 5,000*l.* which is the full sum they are entitled to borrow, and for which they have mortgaged the rates. The accounts are audited at meetings of the commissioners, but are not published. The average number of commissioners attending the meetings is about 12. The commissioners receive about 53*l.* for the soil of the city.

Fairs.

71. There are three Fairs held in the city, at which the corporation collect tolls. These tolls are very trifling; 2*d.* for each standing, and 4*d.* for each drinking booth. The crier collects them. No court of pie poudre is held or proclaimed at them, nor do the officers of the corporation preside over them.

Markets.

72. There are two Market days, Wednesday and Saturday in every week. On every Wednesday there is a corn market, on every other Wednesday a beast market; on every Saturday a general market. The mayor is clerk of the market, but he does nothing in that character;

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character; the leet jury visit it. No tolls are taken at the corn market; the corporation takes tolls at the other two. An Act was passed in 1807 (47 Geo. 3, c. lxxxiv) to regulate these two markets, and to provide a market house. The Act contains a schedule of tolls for the general market, and directs that the ancient tolls should be collected in the beast market. These are taken at 6*d.* for every coop: the coop is provided by the corporation. A printed table of the tolls to be actually collected is hung up in the market: the tolls are lower than those authorized by the Act. The corporation are empowered to erect a weighing-house, and to appoint a clerk of the market; hitherto they have done neither: but a market-house has been built by the corporation. No court of pie poudre is held, even in form.

City Rate.

73. There is a City Rate raised within the precincts, regulated as county-rates are regulated, with respect to its imposition, accounts, and application. The accounts are not published. A rate at 1½*d.* in the pound produces 61*l.* 17*s.* 7½*d.* Seventeen of these have been raised, from one raised in November 1829 to one raised in February 1833, both included. The poundage is always the same in each parish: the overseers collect it. The residents within the precincts do not pay any county-rate.

It is expected that the outgoings from the city-rate will be lessened by the renting of a watch-house, which the guardians of the poor are authorized to hold. This will liberate the rate from the rent mentioned in the 68th section, as being paid to the constables for the private custody of persons.

Patronage and Schools.

74. The corporation are in possession of no Patronage, and have no connexion whatever with any institution for education.

Licences.

75. The public-houses are licensed by the city magistrates: there are 27 licensed houses. For 17 or 18 years no new Licence has been granted, though in one instance at least a pressing application was made, supported by a very large body of the inhabitants. This led to the appeal mentioned hereafter, section 76. There was a licence granted in the year 1813, which excited some dissatisfaction. There seems to have been at that time a general understanding, if not an express annunciation, that fresh licences should not be granted. But a public-house having been thought to be required in a particular district, a licence was granted to a house which was the property of a brewer, who was connected with the corporation. It seems to us that a house was really wanted in the neighbourhood; but it is not surprising that the grant to the particular person should have been attributed to partiality. Much discontent and inconvenience appears to us to arise from the circumstance that here, as elsewhere, a licence is considered to be part of the property of the owner of the house. There are four brewers in the common council; none of them are justices; another member, who was formerly a brewer, would probably have been elected a justice from his standing in the corporation, had he not been in that business.

The corporation has no public-house.

Funds.

76. The following Table shows the annual income for the last three years:

YEARS.	From Portreeve, Customer, &c.	Rental.	Fines on Renewals.	Quay Dues.	Basin Dues.	Fairs.	Markets.	TOTALS.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830 - - -	70 5 4	152 17 3	331 13 3	146 10 10	138 8 7	1 6 11	311 - -	1,152 2 2
1831 - - -	70 - 4	137 14 1	44 3 6	133 12 4	157 19 -	1 7 5	291 - -	835 16 8
1832 - - -	70 1 8	142 4 -	133 5 6	149 16 10	186 2 -	1 10 3	311 - -	994 - 3

Receipts from Portreeve, Customer, &c.

From the Portreeve and Customer together are received 69*l.* 1*s.* 8*d.* The account of this will be found in the 37th sect. The journals, in which are formally entered the admissions of these officers, and the payments made by them, show only the following entries. The portreeve's payment is named as 25*l.* 2*s.*, "to wit, 9*l.* 7*s.*, the fees of his admission, and 15*l.* 15*s.* in lieu of an entertainment for the corporation;" and the customer's payment is named as "12*l.* 1*s.* for the fees of his admission, which said sums are to be appropriated and applied towards and in part of the annual revenue of this city, pursuant to an order heretofore made for that purpose." The remainder of the 69*l.* 1*s.* 8*d.* is in fact paid into the treasurer's hands, and distributed by him to the different outgoings chargeable upon it, and he credits himself with these outgoings. The remainder of the whole sum placed under this head is made up by payments from citizens who dine with the corporation on the day of election of the mayor. Citizens of not more than seven years standing pay 1*s.* 10½*d.* each; those of older standing pay 4½*d.* each.

Rentals.

The greater part of the property of the corporation, consisting in lands and houses, is let on three lives, on leases of 40 years, or on leases of 21 years. There is no covenant to renew, but a renewal is never refused.

The leases on lives are renewed as each life falls in, at a fine proportioned to the value of the lives.

The leases for 40 years are renewed every 14 years, at the fine of a year and a half's nominal annual value; which nominal annual value is intended to be taken at two-thirds of the rack-rent; so that the renewal is really made at one year's value. The quit-rent paid is deducted from the annual value.

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The leases for 21 years are renewed every 7 years, at the same fine; the same payment being thus made for a term of 14 years, to commence at the distance of 26 years, as for a term of 7 years, to commence at the distance of 14 years.

The quit-rents are not large; there are about 145 of them in all, including small sums paid annually for encroachments. These last have ceased to be claimed for fresh encroachments, since the Paving Act passed. The leases are about 70 in number. There are also rents amounting to 42 *l.* arising from some property let at rack-rent. The corporation refuse to enfranchise the leasehold property: but in one instance they have done so, eight or nine years back. The agent of the high steward had purchased at a public auction some property as fee-simple, which, upon investigation of the title, was found to be property held at a rent of 6 *l.* 13 *s.* 4 *d.* from the corporation, on a lease of 1,000 years. An arbitrator was called in by the vendor and vendee, who directed that the vendor should pay 400 *l.* to the vende as a compensation for the defect. The high steward, the vendee, offered this sum to the corporation for the price of enfranchising the property, and it was accepted, as being very much above the marketable value of the reversion. An enfranchisement also took place 30 or 40 years back.

Fines on Renewals.

It was stated to us, that the average annual amount of the fines on renewals, taken upon 20 years, is about 160 *l.* The fines are not increased, when land has been materially improved, on the first renewal.

Quay Dues.

The Quay Dues are levied by custom on goods shipped or landed at a quay which belongs to the corporation. They principally arise from coal: a considerable sum arises also from provisions. The gross income is charged here: the collector receives 15 per cent., which is charged in the expenditure hereafter. The toll-table is printed, and may be seen at the office of the collector for the canal basin: it has no other public circulation, but there is no difficulty in procuring it. It is said that the exemption of the common councilmen does not cost the corporation 5 *l.* The freemen of Lancaster are also exempt, on the ground of their being free from tolls throughout England *. The tenants of Bosham, in the neighbourhood of Chichester, being in ancient demesne, are also exempt.

Basin Dues.

In the year 1817, an Act (57 Geo. 3, c. lxiii) was passed for making and maintaining a canal to and from Chichester harbour. In order to prevent the corporation from losing the tolls upon goods landed on the basins of this canal, a clause was inserted, by which the goods shipped or landed from the canal within certain distances were declared liable to the tolls. These are collected at the basin of the canal, close to Chichester, by a separate collector, who receives 15 per cent. In other respects, the account given of the quay dues may be applied to the basin dues.

Fairs.

The tolls on the Fairs have already been mentioned in the 71st section.

Markets.

The Market tolls have already been mentioned in the 72d section. The tolls on the beast market are leased out by public auction. They are held from year to year, at a rent of 81 *l.* The tolls on the vegetable market are also let out; but the corporation has lately reduced the rent.

Expenditure.

The following table shows the expenditure for the last three years:—

Years.	Expenses of Collection.	Payments in the Nature of Salary.	Repairs.	Permanent Outgoings.	Entertainments.	Charities.	Contingencies.	Interest of Debt.	TOTALS.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	55 9 8	290 5 4	71 7 10	403 11 5	7 18 –	19 16 3	165 10 –	188 15 –	1,202 13 6
1831	47 17 11	290 5 4	133 3 8	347 4 7	- -	19 16 3	108 11 3	194 1 8	1,141 – 8
1832	56 8 2	290 5 4	61 10 5	298 13 11	- -	19 16 3	76 18 11	210 17 11	1,014 10 11

We shall select the year 1830.

Expenses of Collection.

The Expenses of Collection are made up of the two payments of 15 per cent. on the collection of the quay dues and the basin dues, and of two years payment of 5 *l.* to the mayor's serjeant for collecting the quit-rents.

Payments in the nature of Salaries.

The Salaries have been enumerated in the explanation of the functions of the different officers. Under this head are also placed the payments made out of the sums paid by the portreeve and customer, and the expense of a dinner to the leet jury, which last in some years is 5 *l.*, and in others 5 *l.* 5 *s.*

Repairs.

The Repairs are performed on the property of the corporation, on the river, on the walls, on the market cross, and the like; some of which are not the property of the corporation.

The

* See Report on Lancaster, section 57.

Permanent Outgoings.

The Permanent Outgoings contain all payments of rates, taxes and insurances. They include also the fee-farm rents, one of 2*l.* 13*s.* 7*d.* paid to a grantee of the Crown, and another of 3*s.* 3*d.* paid to the custos of St. Mary's hospital, on some account which is not now understood. Payments to life annuitants are also placed under this head; they amount to 315*l.* 9*s.* These annuities were granted to raise money to meet deficiencies of income at different times. The building of the market produced a great part of this debt. Latterly it has been more usual to raise the money on bond. There is also included under this head a sum of 3*l.* 6*s.* 8*d.*, the cost of getting the fines which are imposed at the city quarter sessions.

Charities.

The Charities do not include such sums as the corporation pay over merely as trustees, without being entitled to apply them to any other purpose.

Contingencies.

The Contingencies are made up partly of payments of tradesmens' bills, of the expense of clothes for the serjeants, of printing, of travelling expenses, of coals and candles, and the like. They include also a sum of 3*l.* 8*s.* which the mayor had advanced to pay for the attendance of the constables, and which was repaid to him. There is, besides, a sum of 67*l.* 2*s.* 8*d.* paid for law expenses. A considerable part of this was incurred by an appeal against the city magistrates. See section 75. They had refused an application to grant a licence to a public house: the applicant appealed against them, and the appeal was dismissed, with costs; and the corporation, by an order of 30th October 1829, directed that the extra costs should be borne by the funds of the corporation.

Interest on Debt.

The interest on the whole debt is five per cent.: it is all upon bond of the corporation, and there is a mortgage also for 1,000*l.* of it. This debt, as well as the annuities, has been produced by the excess of the expenditure above the income. The corporation, we were assured, is relieved by the death of annuitants more rapidly than it is burthened by the increase of the permanent debt; but the latter has, till very recently, been on the advance; there was a sum of 500*l.* borrowed by order of the common council dated 6th December 1831.

Present State and Prospects of the Income and Expenditure.

The balances for the three years mentioned, are therefore as follows:

	1830.			1831.			1832.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Expenditure - - -	1,202	13	6	1,141	-	8	1,014	10	11
Revenue - - - -	1,152	2	2	835	16	8	994	-	3
Deficiency - - -	50	11	4	305	4	-	20	10	8

The corporation expect to be able to reduce their expenses sufficiently to secure them from future deficiencies, and to redeem their debt by the falling in of annuities. The reduction of the mayor's salary, which involves the loss of a certain number of entertainments, and was not carried without considerable opposition, will contribute materially to this. See section 48. The sums bestowed by the corporation upon public purposes since 1808, are said to have cost 3,300*l.*; these will probably be abridged for the future.

Auditing of Accounts.

The Accounts are annually audited; this generally takes place about January, at which time the balance is struck up to the preceding Michaelmas. The method of auditing has been described in the 60th section. The balance is entered in the journals, as part of the proceedings of the meeting. The treasurer's account is also at the same time signed by the town clerk in the treasurer's own book. The accounts do not precisely correspond to those which we have given above. The difference is partly produced by a charitable trust, amounting to from 40*l.* to 60*l.* every year, the receipt and expenditure of which passes to the general debt and credit of the treasurer, partly by the balances from the year preceding, which of course pass into the account, and partly by the entry of the principal sum, in all cases where money is borrowed or paid by the corporation, being placed at once in gross to the debit of the treasurer.

The accounts are not published; they are understood to be open to all members of the common council, but in fact they are seldom inspected, except at the time of the audit, when there is usually a full meeting.

State and Prospects of Town.

77. We have not the means of analyzing the return, in all cases, of the population and inhabited houses of the different parishes, so as completely to separate the parts within the Municipal Parliamentary limits from those which are without them: we shall, however, give the returns for all the parishes.

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	Population, 1801.	Population, 1811.	Population, 1821.	Population, 1831.	Inhabited Houses, 1801.	Inhabited Houses, 1831.
All Saints	297 [a]	311 [a]	294 [a]	288 [a b]	-	55 [b]
St. Andrew	573 [a]	649 [a]	708 [a]	719 [a b]	-	118 [b]
St. Bartholomew	259 [a]	282 [a]	306 [a]	296 [a b]	-	61 [b]
Precinct of the Close	187 [a]	198 [a]	145 [a]	169 [a b]	-	27 [b]
St. Martin	303 [a]	352 [a]	321 [a]	315 [a b]	-	56 [b]
Extra-parochial District of New Town.	-	-	82 [a]	112 [a b]	-	21 [b]
St. Olave	244 [a]	282 [a]	260 [a]	280 [a b]	-	44 [b]
St. Pancras within Liberties.	931 [a]	1,046 [a]	277 [a]	302 [a b]	-	59 [b]
St. Pancras without Liberties.			781 [a]	854 [a b]	-	168 [b]
St. Peter the Great, or Sub-deanery, within Liberties.	1,605 [a e]	2,910 [a e]	3,332 [a]	4,050 [a b]	-	738 [b]
Ditto, without Liberties			434 [a]	529 [a b]	-	100 [b]
St. Peter the less	345 [a]	395 [a]	422 [a]	356 [a b]	-	67 [b]
Total in the United Parishes	4,744	6,425	7,362 [d]	8,270 [a b d]	821 [c]	1,514 [b]
Total in the Liberties	-	-	5,841 [d]	6,591 [d]	—	—

These returns give 5·78 persons to a house in 1801, and 5·46 in 1831.

The revised list of voters for 1833 contains 587 ten pound householders, 322 scot and lot voters, and 65 burgesses or freemen, 43 of whom have qualifications from property also.

The population of the town consists principally of retail tradesmen. There is no manufactory.

The beast-market is a very important one. Great quantities of corn are exported through the town for London and the west of England. We were told that the exports have increased latterly, and that the imports have decreased, which was attributed to the increased supply produced in the neighbouring districts; but the Shipping Account hereafter given would scarcely have led to this opinion. The coal imports have, however, increased; they of course are not affected by the increase of internal supply.

Vessels of 150 to 180 tons can come up from the sea at high tides to the quay, which is at the distance of about one mile and a half from the town. The canal is brought close up to the town; but ordinarily the canal dues are said to cost as much to the consumer as the land-carriage from the quay. The construction of the canal has not been a profitable adventure. The prosperity of the town depends almost exclusively on that of the agricultural district which encompasses it. There seems to be at present no complaint of a want of prosperity. The poor-rates have not varied much for some time. The houses of the second class, that is, houses for which 30*l.* or 40*l.* is paid as rent, are readily filled. Those of a higher class do not easily find tenants. It is supposed that building is somewhat checked by the quantity of land belonging to the corporation, which is not let by them at long leases, or parted with in fee.

We subjoin some Returns relating to the trade of the port.

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[a] Rickman's "Comparative Account," &c. p. 263.

[b] Census of 1831.

[c] Marshall's "Account," &c. p. 28, No. 1433. By comparing the numbers given in Marshall as the population of "Chichester," with the aggregate of the several numbers given in Rickman, it appears that Marshall's account relates to the whole of the united parishes.

[d] Summary annexed to the Boundary Report.

[e] We are not quite certain that the numbers given as the population of St. Peter in 1801 and 1811 are not the numbers simply of the population of the part within the liberties.

PORT OF CHICHESTER.

AN ACCOUNT showing the Number of VESSELS, with their TONNAGE, from and to Foreign Parts; of Vessels Coastwise, Inwards and Outwards, including *Ireland*; and the Number and Tonnage of Vessels belonging to the Port, in the Years 1830, 1831 and 1832; 1820, 1821 and 1822; and 1810, 1811 and 1812.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		Coastwise, including Ireland.				Number and Tonnages of Vessels belonging to the Port.	
					Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Number.	Tons.
1830 -	6	410	3	120	283	23,914	256	10,342	63	2,819
1831 -	7	426	3	188	398	25,730	288	12,555	65	2,840
1832 -	5	300	2	113	385	27,408	251	9,461	66	2,869
Total -	18	1,136	8	421	1,066	77,052	795	32,358	194	8,528
1820 -	5	207	2	44	-	- -	-	- -	76	2,721
1821 -	1	46	4	279	379	- -	262	- -	69	2,999
1822 -	5	427	5	393	369	- -	288	- -	72	3,135
Total -	11	680	11	716	-	- -	-	- -	217	8,855
1810 -	2	365	-	-	341	- -	286	- -	85	3,086
1811 -	2	275	3	470	299	- -	255	- -	93	3,494
1812 -	-	-	-	-	268	- -	224	- -	98	3,574
Total -	4	640	3	470	908	- -	765	- -	276	10,154

No record found in the office of the tonnage, &c. where the columns are left blank. These Returns do not quite agree with those given in Marshall's "Digest," &c. p. 233; "Statistical Display," &c.

PORT OF CHICHESTER.

AMOUNT of the Receipts of this Port in the following Years.

YEARS.	AMOUNT.			YEARS.	AMOUNT.		
	£.	s.	d.		£.	s.	d.
1810 - - - -	6,422	7	3½	1822 - - - -	7,449	13	10
1811 - - - -	6,011	8	11½	1823 - - - -	8,082	4	3¾
1812 - - - -	5,251	4	6½	1824 - - - -	6,146	15	4½
1813 - - - -	5,265	5	4¾	1825 - - - -	7,118	12	2
1814 - - - -	5,229	14	8¼	1826 - - - -	6,657	18	4¼
1815 - - - -	4,392	12	4½	1827 - - - -	5,782	6	11
1816 - - - -	4,565	15	5	1828 - - - -	6,560	15	7
1817 - - - -	4,814	2	-½	1829 - - - -	7,022	12	2
1818 - - - -	5,868	1	4½	1830 - - - -	6,775	5	3½
1819 - - - -	4,040	1	4	1831 - - - -	2,021	-	8
1820 - - - -	5,612	9	1½	1832 - - - -	1,141	5	11
1821 - - - -	4,802	18	10¾				

The coal duties ceased in March 1831.

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78. We subjoin a list of the Local Acts.

Local Acts.

26 Geo. 2, c. 99, An Act for the better Relief and Employment of the Poor, and for enlighting the Streets, Passages and open Places within the City of Chichester, and several Places adjoining thereto, and the Close within the said City.

31 Geo. 3, c. 63, An Act for repealing an Act made in the 18th year of the reign of Queen Elizabeth, intituled, 'An Act for paving of the City of Chichester;' and for the better paving, repairing and cleansing the Streets, Lanes and public Ways and Passages within the Walls of the said City; and for removing and preventing Encroachments, Obstructions and Annoyances therein.

47 Geo. 3, sess. 2, c. LXXXIV., (Local and Personal, Public), An Act to regulate and improve the Cattle Market, to provide a Market-house, and establish a Market for sale of Butchers' Meat and other Articles, and to make other Improvements, within the City of Chichester, in the County of Sussex.

57 Geo. 3, c. LXIII., (Local and Personal, Public), An Act for making and maintaining a Navigable Canal from the River Arun to Chichester Harbour, and from thence to Langstone and Portsmouth Harbours, with a Cut or Branch from Hunston Common to or near the City of Chichester, and for improving the Navigation of the Harbour of Langstone, and Channels of Langstone and Thorney.

59 Geo. 3, c. CIV., (Local and Personal, Public), An Act for giving further powers to the Company of Proprietors of the Portsmouth and Arundel Navigation, and to the Company of Proprietors of the Wey and Arun Junction Canal, and to confirm an Agreement entered into between the said Companies.

1 & 2 Geo. 4, c. LXVIII., (Local and Personal, Public), An Act for better lighting and for watching the City of Chichester, and Places adjacent.

9 Geo. 4, c. LVII., (Local and Personal, Public), An Act for granting further powers to the Company of Proprietors of the Portsmouth and Arundel Navigation.

Documents.

79. We have sent up with the Report copies of the following Documents:

1. Translation of the Charter of 1 James 2.
2. Latin Copy of the Charter of 1 James 2.
3. Translation of the Charter of 15 James 1.
4. Number of Freemen admitted in the several years, from the year 1803 to the year 1833, both included.
5. Return of the Cases at the Quarter Sessions, from Michaelmas Sessions 1831 to Midsummer Sessions 1833, both included.
6. Return of the Cases in the Court of Record, from Michaelmas 1826 to Michaelmas 1833.
7. Table of Costs in the Court of Record.
8. Table of Tolls of the General Market.
9. Abstracts of the Receipts and Expenditure of the Guardians of the Poor (including the Gas and Watch Accounts), from Easter 1826 to Easter 1833.
10. Accounts of the City Rate, from November 1829 to February 1833.
11. Schedule of the Port dues (Quay and Basin).

T. F. Ellis, jun.
D. Maude.

REPORT

ON

FARNHAM,

(SURREY.)

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FARNHAM.

Former existence and extinction of the Corporation.

1. THERE is no municipal Corporation at Farnham. The history of the existence and extinction of the late corporation will appear by the following extract from Manning and Bray's History of Surrey. The account contained in it was furnished by the clerk of the Castle of Farnham, who is also bailiff of the bailiwick at Farnham, and who holds by patent from the Bishop of Winchester. This gentleman was examined by me, and confirmed the statement in every particular. * "William (of Wainflete) Bishop of Winchester, by his letters patent, dated at Esher on the 5th of the ides of February, in the 5th year of his translation, A. D. 1452, granted and demised to the burgesses of Farnham the whole burgh of Farnham, with the vill adjacent and their appurtenances, excepting only the privilege of hue and cry for murder, the persons and chattels of felons, the escheats of their lands and tenements, together with the services of William le Parker and two others, who held of the Bishop *in capite*. He confirmed to them the liberties and free customs which they had anciently and to that time enjoyed, particularly—1. A fair on All Saints day (2d November) yearly. 2. The right of electing and removing their bailiffs without any hindrance on the Bishop's part. 3. The assize of ale and bread, with power of punishing defaulters by fine, but not otherwise. 4. All manner of tolls. 5. Exemption from suit and service at the Bishop's court, except only what belonged to the lord of the hundred at Law-day, at the Castle of Farnham. 6. Power to issue attachments, summonses and distresses, within the burgh and vill, not belonging to the bailiff of the Bishop's liberty. For these privileges they were to pay to the Bishop and his successors, by the hands of his bailiff of Farnham, 12 pounds of silver annually by two equal portions, in lieu of 9 *l.* which had hitherto been usually paid. By this charter it appears that there had been more anciently certain burgesses of the town who enjoyed various privileges, which were now partly confirmed and partly augmented, in consideration of their paying annually to the Bishop 12 *l.* instead of 9 *l.* as they used to do.

This charter was either surrendered or revoked by Bishop Horne, who, in 1566, gave a new one to the town, dated on Michaelmas day. * * * * * * *

This charter was considered as of so little value, that the vacancies in the number of burgesses not having been filled up, about the year 1790, Mr. William Shotter, an attorney here, was the surviving bailiff, and the only one remaining of the corporation; and, he having been indicted for not repairing the two bridges at Tilford, which it was alleged the bailiffs were bound to repair, and having been put to a considerable expense, he desired to surrender the charter to the Bishop, and accordingly did so, sending the same with all the records to the Castle."

The bailiff who made the surrender had been the sole surviving member for fourteen years, so that the corporation was really extinct long before the surrender.

State of the former Corporation.

2. The ancient borough did not extend over more than half the present town. There were two bailiffs and twelve chief burgesses. Once in three weeks a court was held for the recovery of debts under forty shillings.

In 1776 the receipts were 36 *l.* 11 *s.* 5 *d.*; disbursements, 33 *l.* 1 *s.* 9 *d.*

In 1777 the receipts were 37 *l.* 2 *s.* 1 *d.*; disbursements, 34 *l.* 6 *s.* 6 *d.*

The receipts consisted principally of quit-rents and market tolls; the disbursements, of repairs of the market-house, payments to servants, and a quit-rent paid to the Bishop. The bailiffs seem to have divided the surplus between them.

Charter sent.

3. I send a copy of the last charter.

T. F. Ellis, jun.

* Manning and Bray's History of Surrey, III. 131. sqq.

REPORT

ON

THE BOROUGH OF GODALMING,

(SURREY.)

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BOROUGH OF GODALMING.

1. THE Limits of the ancient Borough of Godalming comprehended rather more than the present town; the borough lies nearly in the centre of the parish of Godalming, which is much more extensive. At present, the inhabitants attach more importance to the limits which are assigned in the Paving and Lighting Act, which will be hereafter mentioned. These last are still more confined than the boundary of the ancient borough, and are entirely comprehended by it. Local Limits of the Borough.

2. It is believed that this borough has a Charter of the 28th year of Edward I. dated 1300; but we could not discover that any of the inhabitants had seen it, neither could we find any allusion to it in any of the existing documents. Charter of Edward I.

3. A Charter of incorporation was granted by Queen Elizabeth, in the 17th year of her reign; no copy of this is in the possession of the corporation, or of any inhabitant, so far as we could learn. It appears, however, to be fully set out in the charter of Charles II. hereafter mentioned. From the language of the charter of Elizabeth, it might be inferred, that the charter of Edward I., if any such existed, had been entirely lost sight of. The charter of Elizabeth confers the title of The Warden and Inhabitants of the town of Godalming, in the county of Surrey. The warden and inhabitants were to meet on Michaelmas day, to name one of the principal inhabitants, in the presence of the other inhabitants, to the intent that the other men and inhabitants then and there present, or the major part of them, might and should choose the one of themselves so named and assigned to the office of warden. The warden was to serve for one year, and till the election of his successor. Provision is made for electing a fresh warden for the residue of any year in the course of which the warden for the time being may die. A weekly market, and an annual fair, are granted, with a court of pie poudre, with toll, stallage, piccage, fines, amerciaments, and all other profits, commodities and emoluments whatsoever, out of the said market, fair, and court of pie poudre, and all free customs belonging to them. Then power is given to the warden to collect at the time of the market and fair, tolls of all and every ware, and merchandize and cattle, whatsoever they be, as well within the liberty of the same town as without, sold or bought within the liberty and precinct. The recital in this charter states, that the town had fallen into great distress, and that the charter was intended to relieve them. Charter of Elizabeth.

4. Certain Ordinances and constitutions were "made and established for the better order and government of the town," and confirmed by the Lord Chancellor and other judicial authorities, in the 18th year of James I. Whether these had previously been passed as bye-laws by the corporation, does not appear; they have, however, been partially acted upon. In the recital at the beginning of these ordinances, it is declared, that Queen Elizabeth, in the charter above-mentioned, had conferred the power of making ordinances *for the better government of the town*; but we cannot discover any specific grant of this kind. Ordinances of James I.

The ordinances direct that eight Assistants shall be from time to time chosen out of such inhabitants as have borne the office of bailiff, constable or tything-man of the town, or such other inhabitants as should be accounted of ability and reputation; the electors to be the warden and greatest number of the inhabitants of the town who have borne the offices aforesaid, or any of them; the assistants to continue in office for life, except in case of removal. Election of Assistants.

The Warden was to be chosen out of the assistants, by the majority of assistants, and such inhabitants as had served the said offices, the warden for the time being to have a double voice; three to be put in election, one to be chosen; the other two to be put into the bill of election for next year, unless the warden and assistants, and inhabitants who had borne the offices aforesaid, shall see just cause for leaving them out of the bill. Election of Warden.

A Bailiff was to be chosen yearly from such of the inhabitants as had served the office of constable or tything-man in the town, or were fit to do so. The choice was in the warden, assistants, and such as had borne the offices aforesaid. Election of Bailiff.

No person once chosen Warden or Bailiff was to be put in election for three years after the expiration of his office. As to re-election of Warden or Bailiff.

The warden, assistants, and such as had borne the offices aforesaid, or majority of those present, might make Assessments on the housekeepers for keeping the Clock in repair, according to their ability; and on refusal to pay, there was imposed a forfeiture of double the sum assessed. Assessment for Clock.

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For management of Town.

Another ordinance directed, that if any taxation or assessment were made by the warden and assistants of the town, and the inhabitants who had borne the aforesaid offices, or majority of the same, for any cause or occasion touching the common service or government of the town, and any inhabitant should refuse to pay, he should forfeit double the same.

Fines.

By the same ordinances, several Fines were imposed, some for refusing to serve in offices, and some for breach of the regulations laid down for the government of the town; the highest of these is a fine of 10*l.* for refusing to serve the office of warden, which fine was actually levied in 1754; and 5*l.* for setting up a trade in the town, the trader not being an ancient inhabitant, nor having served as apprentice within the town, nor having the consent of the warden and assistants.

Disfranchisement.

Any inhabitant opposing the warden and assistants, touching any thing relating to the good government of the town, after two admonitions, might be disfranchised by a majority of warden, assistants and such as had borne the offices aforesaid for any specified time, during which he was to be incapable of any benefit by the corporation; and unless he submitted and was received again into the corporation in one year, he was to be disabled from using any trade within the town.

Charter of Charles II.

5. A Charter was granted by Charles II. in the 18th year of his reign. It sets out the charter of Elizabeth, and, we presume, confirms it; but we could find only one copy of the Latin charter, and we were altogether unable to decipher it, and the only English translation which we could find is defaced at the operative part.

Present Title of Corporation.

6. The present Title of the corporation is "The Warden and Inhabitants of the town of Godalming."

Present Regulation and Officers.

7. They profess to be regulated by the charter of Elizabeth and the ordinances of James I., but it will appear that the practice adheres to neither. Indeed the greater part of the bye-laws appears to be illegal.

The Officers are the warden, the assistants, and the bailiffs. The constable and tythingman, mentioned in the ordinances, are not members of the corporation; they are created by the lord of the manor.

Warden, how elected.

8. The Warden is elected at a meeting of the Warden for the time being, and such of the assistants and householders as choose to attend; there is always a bill of election, containing the names of three assistants. These three are the names of two of the last bill who were not chosen at the last election, and a new name; the new name is always placed last, and the order of the three is never changed. The majority of the meeting select from these three: but, since 1777, there has been no instance in which the first name on the bill has not been chosen, so that practically every warden is nominated two years before he is actually elected. No distinction is made between the householders in general, and those who have been bailiffs, constables, or tythingmen. No constable or tythingman would vote unless he were a householder: there are usually 20 or 30 householders in attendance. A few votes are generally given for the last two on the bill of election, by way of compliment, but there are no traces of a real contest in the records for 50 years back. The nomination of the new name in the bill of election is made entirely by the warden and assistants, and is usually a matter of rotation among the assistants. The records appear to show that this method of election did not take place till long after the ordinances of James, to which it partly conforms. The usual entry of the election of the warden stated it to be by the voices of the greater part of the inhabitants, till 1742, when the bill of election with the three names is first mentioned. In 1770, 1774, 1776 and 1777, the first in the bill of election was not elected. For a few years about this time, there were some close contests. A warden was discharged from his office in 1673, probably in consequence of the statute for the oaths of allegiance and supremacy.

Assistants, how elected.

9. As vacancies occur, the number of Assistants is filled up, but not with great regularity. The whole number should be eight, who hold for life; there are now only six. They are chosen by the warden and assistants from the householders in general, so that the election to this office, which originated in the ordinances of James, is very little regulated by them. The warden and assistants fix upon some respectable inhabitant, frequently a son of the former assistant, and, having learned that he will serve, swear him at the Town-hall. There is no competition for this office. The form of the earlier entries as late as 1752 is "admitted into the Society of the Corporation;" the next entry, in 1760, is "into the Society of the Corporation as Assistant," and afterwards "as Assistant" simply. There were "exclusions" of assistants as late as 1747. Resignations are continually offered and accepted.

Bailiff, how elected.

10. The Bailiff is appointed by the warden only, though the ordinances of James, which create the office, prescribe another method of election. He is generally re-appointed from the preceding year. The present bailiff has been in office above 20 years, and succeeded his father.

Former Freemen.

11. In the ordinances of James I. mention is made of disfranchisement, and in the records there are entries of the admission of Freemen on payment of sums of money; these payments vary in amount from 4*l.* to 10*s.* The last instance recorded of the admission of a freeman occurred in 1681. Nothing of this kind exists now. It seems probable that it was in some

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some way connected with the liberty of trading, and that when it was found that the exclusive privilege of trading could not be maintained, the admissions were not sought for.

Apprentices.

12. The ordinances mention the enrolment of Apprentices also. There are now no apprenticeships connected with the corporation; the origin and abandonment of the system may perhaps be accounted for as in the case of the freemen.

Leather Sealers.

13. An office seems once to have existed in the corporation which has long been obsolete, that of Leather Sealers.

Warden, Functions of.

14. The Warden is generally looked up to as the person to take the lead in the town on public meetings, and the constables of the place ask his advice in the execution of their duty. We cannot find that he has any actual power beyond the disposal of the trifling funds of the corporation. He is expected to exercise a certain degree of hospitality, and to join the assistants in defraying the surplus of the expenditure above the income, so that it is always an office which occasions expense to the holder.

Assistants, Functions of.

15. The Assistants unite with the Warden in any steps which he takes relating to the town; they are among the principal persons in the town. In general, the corporation does only what would be done by individuals who happened to be the principal persons in the town, and choose to put the laws in motion, and to interest themselves in the affairs of the place. There are no dissenters among them; this, as it is represented to us, arises merely from the gentlemen of the latter class not being much in the habit of associating with the other inhabitants. The assistants are annually liable to a small expense by joining the warden in defraying the surplus of the public expenditure above the income.

Bailiff, Functions of.

16. The Bailiff merely collects the tolls at present; he formerly collected the assessments, which will be spoken of under the head of the Funds of the Corporation. He is paid 10 *s.* per annum: he used to receive 1 *l.* 15 *s.*; the reduction took place in 1826.

Jurisdiction.

17. There is no Jurisdiction, criminal or civil, connected with the corporation.

It is not known that the Court of Pie Poudre has ever been held.

The County Court is held at Guildford, four miles off.

Patronage.

18. There is no Patronage of any sort.

Education.

19. No institution for Education is connected with the corporation.

Gaol.

20. There is no Gaol in the town; the lock-up house is under the superintendence of the Commissioners of Police.

Police.

21. Since the year 1825, the corporation has had no management of, or interference with, the Police of the town. Previously to that year, the warden appointed such watch as he thought sufficient, and credited himself with the expense in his accounts. In early times it appears that the warden and assistants used to lay an arbitrary assessment on the inhabitants, for the purpose, among others, of enabling the warden to pay the bellman, who seems to have performed the functions of watchman; proportioning each person's share, at their discretion, to his supposed circumstances. In the statements of cases laid before counsel, for their opinion, (one dated A. D. 1726, and the other A. D. 1770,) this practice is mentioned as a matter of complaint and abuse, and the legality of it questioned. In later years, however, this method of raising funds for the purposes of the town has been entirely disused, and a voluntary subscription has been resorted to. In the year 1825, after considerable discussion amongst the inhabitants, and much difference of opinion and feeling on the subject, an Act of Parliament was applied for and obtained, for paving, lighting, watching and otherwise improving the town; and by it provision is made for defraying the expense of watchmen, who are put under the entire control of the commissioners appointed under the Act. The limits within which this Act is to take effect are defined in it, and include nearly the whole of the town, and by far the greater part of the borough; certain portions of both, comprehending a few houses at the south end of the town (most of them built since the passing of the Act), being excluded. Every person resident within the limits, possessing property situated within such limits, of the yearly value of 20 *l.* or upwards, or rated to the poor-rate in any sum amounting to or exceeding 10 *l.*, or possessed of a personal estate of 1,000 *l.*, and every person not resident within the limits, if owner of any property within the limits of the yearly value of 50 *l.* or if occupier within the limits of property of the yearly value of 20 *l.*, is appointed a commissioner, and may act as such, after taking an oath of his qualification. The number at present, who have qualified, and which number includes nearly all who are entitled to qualify, is from 40 to 50. The maximum rate in the year, which the Act authorizes, for providing for the paving, lighting and watching, is 1 *s.* 6 *d.* in the pound upon occupiers of property of the yearly value of 4 *l.* 10 *s.* and under 7 *l.* 10 *s.*, and of 3 *s.* upon occupiers of property of the yearly value of 7 *l.* 10 *s.* and upwards: the value to be estimated at two-thirds of the rack-rent. The full rate has been imposed ever since the Act passed

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passed; and the money raised by it is found to be insufficient for the purpose for which it is intended. The sum raised last year, ending June 1833, was 313*l.* 12*s.* 7½*d.*; viz. 17*l.* 9*s.* 10½*d.* by the rate of 1*s.* 6*d.*, and 296*l.* 2*s.* 9*d.* by the larger rate. The expense of obtaining the Act, which amounted to 640*l.* 10*s.*, was defrayed partly by a subscription of 478*l.* 10*s.*, and partly by assessment. The pavements are represented to have been at that time in very bad condition; and 1,700*l.* was in the first instance borrowed, on the credit of the rates, to put them into a better state of repair. Of this sum, 100*l.* has been paid off by means of a small sinking fund, directed by the Act. The manner in which the above sum of 313*l.* 12*s.* 7½*d.* was disposed of was as follows:

	£.	s.	d.
Sinking Fund on 313*l.* 12*s.* 7½*d.* at 2 per cent.	6	–	–
Interest of 1,600*l.* Debt at 4½ per cent.	72	–	–
Lighting (by contract)	47	12	4
1 Watchman, at 8*s.* per week	20	16	–
Paving	167	4	3½
£.	313	12	7½

Both of the two last items were represented to us as insufficient for the purpose to which they are applied. One watchman, we were told, was quite inadequate to watch the whole town; and there were no means of paying others, except for short emergencies: and from the great passage through the principal street, which comprehends a large proportion of the whole town, and in the line of road between London and Portsmouth, the pavements require a larger sum than can be afforded for them, to keep them in tolerable repair, though they are every year improving. Notwithstanding the lowness of the qualification for commissioner, and the number who have qualified, considerable difficulty is at present found in getting a number to attend sufficient to constitute a legal meeting: the only restriction in the Act being, that every thing done shall be sanctioned by a majority of 7 in number. The cause of this indifference on the part of the inhabitants was not satisfactorily accounted for to us. One way of accounting for it was, that the lowness of the qualification prevented the higher classes from attending the meetings, where they might be out-voted by the lower class of inhabitants, although this had never of late years been the case: the other reason given to us was, that from there being so many commissioners, no one considered it his business to attend. The fact may probably be accounted for in this way; that the shopkeepers and less wealthy inhabitants take little interest in the concerns, from the knowledge, that there is no chance whatever of getting any reduction of the assessment, the present being insufficient, and that there is no power in the commissioners to call for a larger. We were told that the Act was badly administered. The books and accounts are open for inspection by the commissioners at all times. The town is lighted with oil. No complaint is made of the lighting.

The constable of the town is appointed at the court leet of the lord of the manor of Godalming: and, by the Paving Act, all watchmen appointed under it are required to be sworn in as constables before a county magistrate, and to act as such.

Whether Jurisdiction should be extended.

22. It was represented to us, that a regular police, embracing the almost adjoining hamlets of Farncome and Crownpit, would be very desirable; but no plan was suggested to us for maintaining it; as those villages would contribute very little to its support, the additional burthen thrown upon the town of Godalming, we were told, was more than they should wish or could afford to bear.

Poor.

23. The parish, comprehending several tithings, maintains its own poor: the corporation do not in any way interfere in the management.

Funds. Market House.

24. The corporation is possessed of no property whatever. The only ground, or building, which they seem ever to have had, is the market-house, a small building situated in the principal street. This building they were for a few years in the habit of leasing, at an annual rent of about 4*l.* 4*s.*, reserving to themselves the use of it when necessary. They have also, at different times, received small sums from individuals for the temporary use of it. On the passage of troops through the town, it has been granted as a place for the stowage of the baggage, for which a small charge has been made. In no year do the receipts from it appear to have amounted to more than the above rent of 4*l.* 4*s.* Whenever it has become out of repair, a subscription has been resorted to for repairing it; and in one instance, for rebuilding it. On the latter occasion it was resolved by the warden and inhabitants, on entering upon the subscription, that the building should, on all occasions, be open for meetings upon business under the control of the warden and corporation, and also for the use of the lord of the manor, on all occasions of holding his courts. By the Paving Act, this building, as well as an engine-house built by the inhabitants, became vested in the commissioners under the Act: so that now the members of the corporation have merely the use of it, as inhabitants, when necessary. Provision is made for the inhabitants and the lord of the manor having the use of it on application.

Fair and Market Tolls.

The only source of revenue (except as above) which the corporation has, is some tolls. These are, fair and market tolls, which are small payments, in money or in kind, from all persons exposing or selling any merchandize whatever at the fairs or market. There are two fairs, one at Candlemas, and the other in July; but the latter fair is considered to belong to the

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the lord of the manor, and he alone takes toll at it. There is one market in the week, on Wednesday.

At the Candlemas fair, the practice is for the bailiff to go through the fair to take toll. Toll in kind seems confined to grain of all kind; for other commodities, a composition is paid, proportioned, in small articles, to the size of the stall which the seller occupies, at the discretion of the bailiffs: for a stall of 9 or 10 feet in length, 1*s.*, and so proportionally: for pigs, 2*d.* a pen: for horses, 4*d.* each. The practice with respect to grain is, for the bailiff to put a measure holding a pint into each sack, and to take that full. These tolls are upon goods exposed, independent of any sale, except those upon cows, which are levied only upon such as are sold, and are 4*d.* a cow.

The market tolls were precisely the same, and on the same articles, but at present these are not collected. In the year 1825, the inhabitants came to the conclusion that these market tolls injured the market, by keeping away persons who would otherwise bring wares, and also by inducing the farmers to bring merely samples of their grain, leaving the bulk behind, to be sent to the purchaser afterwards. Accordingly, by an entry in the town book, dated August 1825, it appears, "that the consent of the warden and corporation being solicited to forego the tolls of the market, they being anxious to do all in their power for the benefit of the town, consented to do so temporarily, for the sake of endeavouring to establish a pitch market," with a reservation, that the tolls should be resumed whenever the warden and corporation thought it expedient. The market and fair tolls seem to have averaged, of late years, scarcely 1*l.* each.

Town Soil.

A principal item in the receipts of the corporation, previous to the year 1825, was the town soil, averaging 8*l.* or 9*l.*, and sometimes as high as 15*l.* By the Paving Act this is now vested in the commissioners, but we understand that at present its value is barely sufficient to pay for the collecting and carrying away.

Expenditure.

The above seem to have been the only funds which the mayor, previous to 1825, had to collect: and, as may be supposed, they fell short of the expenditure, small as the latter was. The principal item in that was the watchman, about 15*l.* There are other usual items, such as bailiff, ringers, court-keepers, &c., the whole amounting, on the average, in years where no extraordinary expenditure was necessary, to about 30*l.* To meet the deficiency which there invariably was, there was a subscription of the inhabitants, and as even this often fell short of the sum required, the members of the corporation individually had to subscribe a second time, in order to indemnify the warden: in some years they have subscribed 2*l.* each. Since 1825, the town soil and market toll on the one side, and the watchman on the other, disappear from the accounts: the amount on each side does not exceed 5*l.* or 7*l.*: and as the warden has now nothing but the fair tolls of a few shillings to claim, the members of the corporation individually have to subscribe nearly the whole of the sum.

Accounts.

All the above receipts and disbursements went through the hands of the warden. Up to the year 1768, not a single account appears by the town book to have been kept. In that year a gentleman was chosen warden, who seems to have taken great interest in the affairs of the borough, he being one of the persons who laid a case before counsel as above mentioned (section 21). He is the first person whose accounts appear in the town book, and after his example, with one or two exceptions, there is, up to the present time, a regular statement and balancing of the warden's accounts.

State and Prospects of the Town.

25. The Population of the *parish* of Godalming was,

In 1801 *	3,405
In 1811 *	3,543
In 1821 *	4,098
In 1831 †	4,529

The Inhabited Houses were,

In 1801 *	474
In 1831 †	836

If these accounts be correct, they prove a very remarkable change in the habits of the householders; there being 7.18 persons to a house in 1801, and only 5.42 persons to a house in 1831. We cannot account for this change. The decline of the manufactures of the place appears to be quite inadequate to producing such an alteration.

The ordinances of James declare that Godalming is an ancient clothing town, and that the inhabitants thereof, long time and beyond the memory of man, have been principally employed in making, dying, fulling and dressing of woollen cloth. There is still a considerable coal trade here. Leather, paper and silk are manufactured in the town. There was once a large establishment for fleecy hosiery; while the patent lasted, the town had the monopoly. There is also a manufactory of cotton stockings. All the mills are worked by water-power. Timber, bark and hoops are exported. The river Wey is made navigable from Guildford, under an Act of the 33d Geo. II. c. 45. There are about 140 or 150 ten pound householders in the actual town.

As

* Marshall's "Account of the Population," &c. p. 79, No. 274.
† Census of 1831.

GODALMING. As far as we could judge, the town appeared to be in a state neither of remarkable activity nor depression, and to be advancing at about the average rate of increase.

Local Acts. 26. The Local Acts are,

33 Geo. II. c. 45. (Public.)	An Act for extending and continuing the Navigation of the River Wey, otherwise Wye, in the County of Surrey, to the Town of Godalming, in the said County.
(Local and Personal, Public.) 6 Geo. IV. c. CLXXVII.	An Act for paving, lighting, watching, and otherwise improving the Town of Godalming, in the County of Surrey.

Documents. 27. We have sent, with the Report, copies of the following Documents:

1. English Translation of the Charter of Charles II., defective, and apparently very incorrect.
2. The Ordinances of James I.

T. F. Ellis, jun.
D. Maude.

REPORT

ON

THE BOROUGH OF LYMINGTON,

(HAMPSHIRE.)

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REPORT ON LYMINGTON.

1. THE Borough of Lymington is not accurately definable by any boundaries, as it contains several extra-borough tenements within the very heart of it, and several borough tenements at the extremities, entirely separated from it. It is situated within the parish of Lymington, and comprehends the greater part of the town, that part of the town not within the borough lying chiefly to the westward. The understanding in the neighbourhood is, that at some early period, on an incursion of some French, a great part of the then town was burnt, that what remained became incorporated as a borough, and that all tenements erected after the incorporation, unless erected upon the sites of tenements standing at the time of incorporation, or upon ground attached to such tenements, are exclusive of the borough. The whole of the parish is included within a manor called "The Manor of Old Lymington and Borough and Manor of New Lymington;" the former includes every part of the parish, except the borough, which is comprehended in the latter designation. As the constables for the parish are chosen at the court leet of the manor, two for the borough and one tithing man for the rest of the parish, the borough is well known, each inhabitant knowing for which division he is liable in respect of his tenement to serve as constable. The borough is comprehended within what is called "The Hundred Acres," and there being some doubt as to the exact boundaries of this tract, a deed was executed in the year 1795, by the lady of the manor and the corporation, on which was drawn a plan, which it was agreed by both parties should be considered as within the manor of New Lymington. It is mentioned in an old entry in one of the corporation books, that in a grant in the time of Henry IV., to the mayor and burgesses, the former is called "*Præpositus novæ* Lymington." Limits of the Borough.

2. The borough has no Charter, but is a borough by prescription, and seems, by an entry in one of its books, bearing date the 10th year of Queen Anne, to have been so considered by the House of Commoms, upon a disputed return of Members to Parliament, in the 3d year of William and Mary. Charters.

3. The title of the corporation is "The Mayor and Burgesses of the Borough of Lymington." Title of Corporation.

4. The Corporation consists of,— Members of Corporation.

1 Mayor,
1 Recorder (who is called also Steward (*Senesiallus*) in an entry of 1698.)
1 Town Clerk.
1 Town Serjeant,
And an indefinite number of Burgesses.

5. The Mayor is elected on the Monday after the Feast of St. Matthew, by the mayor for the time being and the burgesses, from what is called the Record. The Record contains three names, that of the mayor for the time being, and two other burgesses. On this day the burgesses meet, and the name of the present mayor is struck out of the record. He then proposes to them the names of three burgesses, out of which to elect one to fill up the record. Any burgess, however, may propose a name of a burgess; in this event, all the names are called out by the mayor, and from them, he, and the burgesses by a majority of votes, determine the one to be put upon the record. They may, if they think fit, displace any of these names on the record, and elect others instead; there is one instance of this in the books. As soon as the new name has been inserted upon the record, it and the two others in election (as they are called) are proposed to the burgesses, and they and the mayor together, by a majority of voices, elect the new mayor out of the three. They have no power to elect out of the record. It usually happens, that the person last placed upon the record is elected mayor; the present recorder has been upon the record several years, but has not been elected mayor since he became recorder. It is understood that the mayor would have a casting vote, but no instance of an equality of votes is remembered. The names of the two persons not elected remain upon the record to the next election. Mayor, Election of.

In the year 1677, a resolution was made to adopt the ballot in this election, as well as in the election of burgesses into the corporation, and of Members to represent the borough in Parliament. The first entry of this is dated November 1677, and states that "it is voted by the mayor and burgesses, that for the time to come the Burgesses to be sent to the Parliament shall be elected by the way of bullets." The manner of conducting this is set out with great minuteness, in an entry dated the 31st December 1677, when "it was agreed upon by the mayor and burgesses, (for the preventing animosities and other inconveniences which may arise at the choice of a fit person to serve as mayor for this town) that for the future the mayor shall be elected in this manner." After stating that there are always three persons in election, it orders that every burgess shall have three bullets of different colours

LYMINGTON.

delivered to him, and each person on the election shall choose his colour. There shall then be a box covered, and a bag by it, and each burgess shall put one of his bullets into the box, and his other bullets (to prevent all discovery) privately into the bag. The person having the majority of bullets of his colour is to be elected mayor. The mayor is to have a casting vote. The Burgesses to be sent to Parliament are to be elected in the same manner. This method, however, continued for a very short time, for by a following entry of 11th February 1677,* after adverting to the above resolutions, it was declared, that the burgesses present, "considering the said order prejudicial and [in]convenient," repealed and annulled it, and that the old method of open election should be resumed.

The mayor is re-eligible at any time; there is no modern instance of a person being mayor two years in succession, but there are several of the same persons having served twice or thrice during the time they have been burgesses. The mayor, after being elected by the burgesses, is presented by the jury of the court-leet, and sworn in before them, until which time he cannot act; this court is generally held in October, but sometimes not until December; the retiring mayor continues in office until his successor is sworn. By an ordinance, dated 1622, a fine of 5*l.* is imposed on any burgess after election refusing to serve the office of mayor; no instance of refusal is remembered. The mayor need not be resident. There have been frequent instances of mayors having no residence in the town; this has happened less frequently of late years. In such a case, he executes a power of attorney to some burgess to act for him, which delegation, however, extends only to the management of fairs and markets, and the receiving and paying of money, not to elections either of Members of Parliament or of mayor. There are two instances in the books of the mayor being absent on the day of election of a new mayor. The first was in 1774: in that year, no election having taken place on the proper day, from the non-appearance of the mayor, the burgesses met in the town-hall on the following day. A question then arose, who was to act for the mayor, and to administer the oath to the new mayor. Part of the burgesses present resolved, that the preceding mayor, as next in office, should preside; and they with such president, elected and swore in a burgess as new mayor; the other part considered that the town clerk ought to preside, and they with such president elected and swore in another burgess. By an entry on a subsequent and similar event, it appears that both these elections were set aside by a judgment of ouster, in the Court of King's Bench, but no writ of mandamus having been awarded, the mayor for the preceding year continued to exercise the functions of mayor until the next election day. In the latter case alluded to, which was in the year 1778, the senior burgess officiated as mayor; in this instance the election seems to have been undisputed. A similar doubt appears to have arisen in the year 1729, on the death of a mayor during mayoralty, as to the person who should succeed him: it was then declared that the preceding mayor should officiate until the next prescriptive day of choosing a mayor; such seems so have been the practice ever since. In the year 1831, on a meeting of the corporation for the purpose of electing a Member of Parliament, the then mayor was too ill to attend, and, on this being proved by medical certificate, the mayor for the preceding year acted as returning officer.

Recorder, Election of.

6. The Recorder is elected by the mayor and burgesses; he has always, as far as is known, been a burgess, but it is doubted whether or not he must necessarily be so. It is supposed that he would have no right to interfere, or vote, at elections or meetings as recorder merely, if he were not a burgess. A recorder seems to have been amoved in 1703 for neglecting his duties. The present recorder is an admiral, residing near the town: he was elected in 1824: until this election, the recorder had always, I understood, been a professional man.

He is sworn before the mayor and burgesses.

Town Clerk, Election of.

7. The Town Clerk is elected by the mayor and burgesses. He has always been a burgess; it is not known whether or not this is necessary. His election is for life.

The present town clerk is a custom-house officer; he was elected in 1826.

Town-Serjeant, Appointment of.

8. The Town Serjeant is appointed by the mayor and burgesses, to hold office during pleasure. The present town serjeant was appointed in 1829.

Burgesses, Election of.

9. The Burgesses are elected by the mayor and burgesses; no qualification is requisite.

The number of burgesses has varied considerably. At present there are 32, of whom 9 are resident in or near the town; some of the remainder were resident when elected. They are all persons in the higher classes of life. The number is limited by a bye-law to 50. Bye-laws restrictive of the number have existed for the last 60 years, subject to a constant repeal of them for a day or two. One instance will be given. The patronage of the borough seems, many years ago, to have been a subject of contest between two families; and the bye-laws, as to election of burgesses, seem to have been intended as a check by one family upon the other. On the 10th October 1774, three bye-laws were enacted, by one of which it was declared, that the burgesses by any future election should not exceed 50; by the second, that no mayor should propose any one for burgess, unless the number should be so far decreased by death or otherwise, as to be under 20; and by the third, that no meeting should be considered to be legally summoned, unless six days' notice were given personally to each resident burgess. The first law was made repealable by a majority of 20 burgesses; the second, of 10; the third, of 20. The numbers

* It may be noticed that at this time February followed December in the year.

LYMINGTON.

numbers necessary for repealing these laws were, no doubt, intended by the preponderating party to prevent any creation of burgesses by the rival family. On the 6th July 1775, all these laws were repealed by the same persons (except one) who had enacted them, and, on the same day, 39 new burgesses were elected, after which, and on the same day, the three bye-laws were re-enacted. Of these 39, 8 are described as of Lymington, 4 others as of the county of Hants, and the remainder of other counties, many of them distant ones; one person is described as "residing in the island of Jamaica." The same system of non-residence, in a large proportion of the burgesses elected, seems to have continued nearly to the present time. The system, in the earliest entries existing, seems to have been very different, as there appear ordinances imposing fines on any burgess not attending the town-hall at meetings to advise the mayor; and an ordinance in 1674 directs, that no person, not inhabiting within the said town of Lymington, shall, during the space of seven years next ensuing, be elected a burgess. By an ordinance dated 1622, every burgess is to take his burgess' oath within two courts next after his election, or his election is to be void. No such regulation is observed at present; there are instances of burgesses not taking the oath until some years after their election. Four of the present resident burgesses are magistrates for the county.

The fees on admission are,—

	£.	s.	d.
Stamp and parchment - -	3	3	–
Town Clerk - - - -	3	3	–
His Clerk - - - -	1	1	–
Town Serjeant - - -	1	1	–
	£.8	8	–

The Reform Act took away nearly the only privilege of the corporation, and there is now little or no desire on the part of the inhabitants to become members of it. It was thought that the amount of fees, paid on admission, would prevent many of the inhabitants from coming into the corporation, if the opportunity were given them. Religious tenets, I was told, would be no ground of exclusion, though at present there are amongst them no dissenters from the Church of England. All the burgesses, except two or three, are supposed to hold the same general political opinions. These may have been in some measure considered in the elections into the corporation, but the greater number of the burgesses have been chosen merely as friends or relations of the family considered to have had the patronage of the borough, for the purpose, as cannot be doubted, of securing to this family a majority in the election of Members of Parliament. There seemed to be no want of confidence in the town towards the members of the corporation individually, but the disappointment felt by many inhabitants at so few of their body being elected into the corporation, which is almost entirely composed of persons unconnected with the town, has created some dissatisfaction, which would have been avoided by a less exclusive system, and which dissatisfaction would probably have been greater, if the powers of the corporation had not been so unimportant.

Mayor, Functions of.

10. The Mayor is not a magistrate *ex officio*. His duties seem almost entirely confined to the regulation of the markets and fairs, quay and wharf. He is returning officer in the election of Members of Parliament for the borough. He is a commissioner under most of the Turnpike Acts relating to the neighbourhood. As he is considered the head of the town, his time is somewhat occupied by applications from vagrants and others, who are not aware what his powers and jurisdictions are. He is the treasurer of the corporation; all the receipts are paid over to him, and all orders and payments made by him. On going out of office, he submits his year's accounts to the meeting of burgesses; the balance is generally in his favour to the amount of 10*l.* or 12*l.*, which is very rarely paid to him.

The mayor has no salary; he has some emoluments, almost nominal, viz. one bushel of coals out of every ship that discharges in the port, and 6*d.* worth of fish from every boat bringing fish to the quay, together not exceeding 25*s.* a year. The office is not one of much expense.

Recorder, Functions of.

11. The Recorder has no duties whatever to perform. No inconvenience has been felt by the corporation at not having a professional person in that situation, no legal questions having arisen since the election of the present recorder. He has no emoluments.

Town Clerk, Functions of.

12. The Town Clerk's principal duties are, attending the meetings of the corporation and entering the proceedings in the books. Notice of every meeting to be held is given personally to each burgess residing within the borough; the town clerk, attended by the serjeant at mace, serves this notice. He has a salary of 3*l.* a year, a fee of 3*l.* 3*s.* upon each admission as burgess, 1*l.* 1*s.* upon affixing the common seal to any deed required to be so attested for the purpose of evidence in foreign countries, and usually 10*l.* 10*s.* upon the election of a Member of Parliament. These fees average about 7*l.* or 8*l.* a year.

Serjeant at Mace, Functions of.

13. The duties of Serjeant at Mace are, to attend all courts, make the proclamations, carry the mace, and to act generally as the servant of the corporation. He also collects the quit-rents.

LYMINGTON.

quit-rents. He has a salary of 8*l.*, raised this year (1833) from 4*l.*, a fee of 1*l.* 1*s.* on each admission as burgess, and usually 2*l.* 2*s.* on an election of a Member of Parliament.

Burgesses, Privileges of.

14. The Burgesses have no rights, privileges or exemptions whatever, although it would appear, from an entry dated 1731, that they were at that time exempt from some customs or import dues. Before the passing of the Reform Act, the privilege of electing Members to Parliament was confined to the mayor and burgesses. The last contest, previous to that Act, was in 1727; there were three candidates, and two members to be elected; the numbers were, 31, 26, 12; 38 persons voted.

Jurisdiction of Corporation.

15. There are no borough courts whatever.

Police.

16. The corporation has no control over the Police; two constables are appointed by the court leet. There are also watchmen, but they are appointed by the parish, under the provisions of the general Acts for this purpose; there are two in winter and one in summer, who are sworn as constables by the county magistrates; their duties are confined to the night-time. The town is also lighted under the provisions of the Acts adverted to; both the watching and lighting, I was informed, were quite sufficient. The rate imposed is for both purposes jointly, and was last year 13½*d.* in the pound on houses, and 4½*d.* on land.

Extension of Jurisdiction.

17. As the corporation does not possess any magisterial functions, there seems to be no necessity for extending the limits of the borough. If, however, any additional municipal powers should be given to the corporation, it would be advisable to enlarge the jurisdiction. To prevent a variety of divisions, probably the new Parliamentary borough may be preferred; had this boundary not been taken, I should have recommended the co-extension of the municipal borough with the parish of Lymington, not taking in any of the parish of Boldre, both because the river (on the bridge over which there is a toll taken for foot passengers) forms a natural boundary, and because no part of the town, and but a very small population, lies within that part of the parish of Boldre, comprehended within the Parliamentary boundary. There is, I was informed, a sufficient number of inhabitants within the town competent, by intelligence and respectability, to exercise any corporate functions.

Gaol.

18. There is no Gaol; the only place of confinement within the town is a small cell used for placing disorderly persons in during the night, and which is never used but for very temporary purposes.

Revenue.

19. The Revenue of the corporation is derived from the following sources:—

Land.

1. A Meadow Field, containing about four acres, let at a rent of 8*l.* per annum.

House.

2. A small House let, at 5*l.* 10*s.*

Fair and Market Tolls.

3. The Tolls of Fairs and Markets, leased for three years, at a rent of 42*l.* per annum the corporation paying all rates and taxes.

There are two fairs in the year, one in May and the other in October, and one market in the week, on Saturday.

The fair and market tolls are the same, and are taken upon almost all wares exposed for sale, or in some cases upon the stalls, instead of the wares.

It is not known that these tolls have ever varied; a table of them is painted and hung up in the market-house. Persons are not allowed to hawk their wares about the town until after twelve o'clock in the day; before this time, they must expose them for sale in the market-house. This regulation is thought to be beneficial to the public. I was told that the tolls did not prevent any person from attending the fairs or market. The lessee of the tolls is called the clerk of the market.

Quay Dues.

4. Quay Dues. These dues are taken upon all goods exported or imported at a quay, which is the property of the corporation, and which is repaired and maintained by them.

Besides the tolls taken upon the landing or shipping, there is a toll called "Wheelidge," of 2*d.* for every load drawn over the corporation quay to or from a vessel, and of 1*d.* for every load, drawn to or from any neighbouring quay, which passes the quay of the corporation.

No complaints are made of these dues and tolls, which are very low.

The quay dues are let on a lease for seven years, at a rent of 7*l.*

River Dues.

5. The River Dues. These are dues payable by all vessels which come within the river, inside of a certain beacon, called Jack in the Basket. They vary according to the size of the vessel from 4*d.* to 2*s.* 6*d.* There is no anchorage toll; the vessels are entitled to use the mooring posts, which the corporation repair and maintain, as they do also the beacon. These dues are let on lease for seven years, at a rent of 7*l.*

Quit-rents.

6. Quit-rents. These are small acknowledgments paid by such as have made encroachments, by building on the wastes of the corporation or making any projections into the streets. They average about 11*l.*

The

The average Income is nominally about 80*l.* 10*s.*, but the rents are seldom all collected. Every thing leased by the corporation is let by fair competition, no preference being shown to any one, and I was told that all the rents were as high as the respective properties would bear. Average Income.

The annual Expenditure of the corporation is nearly uniform, and averages about 80*l.* That for the last year, ending October 1832, amounted to 79*l.* 12*s.* 4*d.*; the items are,— Expenditure.

	£.	s.	d.
Salary and bill of town clerk	6	16	9
Ditto of town serjeant	10	14	7
Quit-rent to the lord of the manor for the market-place	7	12	–
Rates paid in respect of the market	3	19	6
Church ringers	2	2	–
Wine for the court leet jury	3	4	6
It has been customary from time out of memory to give 1 doz. of wine to the leet jury.			
Some small incidental expenses	2	16	8
Various tradesmen's bills for repairs to the market, town hall, wharf, &c.	42	6	4
£.	79	12	4
The income collected in this year was	68	19	5
Leaving a balance due to the mayor	10	12	11

20. The Population of the parish of Lymington— State and Prospects of the Town.

In 1801	was 2,378 *
1811	2,641 *
1821	3,164 *
1831	3,361 †

According to the Report of the Boundary Commissioners, the population of the Borough, in 1831, was 2,000.

The inhabited houses within the parish—

In 1801	was 475 *
1821	526 *
1831	659 †

The number of 10*l.* voters upon the Revising Barrister's list in 1832 was,—

Within the parish of Lymington	199
Within that part of the Parliamentary boundary within the parish of Boldre	32

The town is considered to be in a somewhat improving state; several large outlays of capital have taken place within the last three or four years. A company has been formed for the purpose of supplying steam navigation to and from Portsmouth and the Isle of Wight; a sum of 3,000*l.* has been subscribed for the formation of gas-works, and the same sum for the erection of baths; dwelling-houses have been, and are now being, built on an improved scale. The principal object of these improvements is to induce visitors to resort to the town during the summer. The number of these has not increased within the last few years. There is little or no commerce carried on within the town; the only manufacture in the neighbourhood is that of salt, which some years ago was carried on to a very large extent, but latterly has decreased. There is a large fair in the year for cheeses, which are exported to various places along the Sussex coast. There seemed to be a great anxiety amongst the inhabitants to have the port made independent of that of Southampton. They consider that the town is very favourably situated for foreign trade, but that this is entirely checked by its subordination to the port of Southampton, from the necessity of the importers having to pay the full duties on the entrance of their cargoes into the port; the chief trade expected is that of timber. The reason of the port not having been made independent is the small trade carried on, which is not considered sufficient for a separate establishment; but it was represented to me, that there are two persons competent to execute the requisite duties, who would do so gratuitously, and for whom some of the inhabitants would be responsible, until the trade of the port should warrant the payment of the usual salaries. From what I could learn from other quarters, I think it may be doubted whether these are not expectations more sanguine than an unbiassed consideration of the facts would warrant.

The

* Marshall's Statistics, p. 28, No. 1453.

† Census of 1831.

LYMINGTON.

The following is a Return from the Custom-house relating to the coasting trade. The foreign entries are made at the Southampton Custom-house.

AMOUNT of TONNAGE of all IMPORTS and EXPORTS in the following years:

Years.	Inwards.	Outwards.
1810	16,778	16,855
1811	16,467	18,876
1812	16,928	28,006
1820	12,835	8,616
1821	12,934	9,435
1822	14,819	12,138
1830	13,985	8,500
1831	12,562	8,495
1832	10,757	7,242

Documents sent.

21. I have sent with this Report, copies of the Tables of Fair and Market Tolls, Quay Dues and River Dues.

D. Maude.

REPORT

ON

THE BOROUGH OF MAIDSTONE.

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BOROUGH OF MAIDSTONE.

Sources of Information.

1. The following Report is deficient, as will be seen, in the particulars relating to many subjects. We believe that, as far as it goes, it is in the main correct; but as we were refused access to most of the best sources of information, we consider the report by no means secure from inaccuracies. The refusal took place under the following circumstances. On our first arrival at Maidstone, the mayor and town clerk called upon us, and informed us that, although they were not aware of any disinclination on the part of the corporation to render us assistance in our inquiry, still the mayor did not feel himself authorized to do so until he had taken the sense of a court of burghmote. We had given the mayor only one or two days' notice, we believe, of our visit; and, as a court of burghmote requires a previous notice of ten days, we were obliged to postpone our inquiry at Maidstone until this court should have been held. In the meantime we proceeded with the inquiry into the state of the corporation of a neighbouring town. Before we again reached Maidstone, we received a letter from the mayor, of which the following is a copy.

"Gentlemen, Maidstone, 3d December 1833.

"I beg to acknowledge the receipt of Mr. Maude's letter of the 1st instant, and to acquaint you, that, in compliance with what passed between us, when I had the pleasure of seeing you here, I have this day holden a court of burghmote for the borough, relative to the furnishing the information you desire under your commission of inquiry; and I have further to acquaint you, the court have determined that no charters, muniments or writings of the corporation shall be produced, nor any information given by myself or the town clerk respecting the corporation.

(signed) "*The Mayor.*"

We were afterwards informed by persons who had attended this court, one of whom took notes of the proceedings, that, before any division was come to, the town clerk, who is also deputy recorder, and who is a practising attorney in the town, was asked, as the legal adviser of the corporation, by one of the jurats, whether or not, in his opinion, the Commission was a legal one, and that the town clerk answered, that he had no hesitation in stating that it was illegal, and that he was fortified in that opinion by much abler men; and that he concluded by saying that the Commission was contrary both to the common law and statute law of the Realm. The question as to whether the Commissioners possessed any compulsory power was not, as far as we could learn, discussed at all, the want of such power being assumed on both sides. The interrogation and answer seem therefore to have related simply to the question, whether the issuing of the commission was or was not a breach of the law. The address of The House of Commons which preceded the Commission was mentioned, but not till after the above-mentioned answer had been made. A division afterwards took place, the result of which was the resolution mentioned in the mayor's letter.

On our second arrival at Maidstone, we entered upon our inquiry, receiving information from such of the inhabitants as were willing and able to assist us; previously to which, we sent notice to the town clerk of the place where we were sitting. The mayor offered to us the use of the town hall; we did not, however, sit there. Several inhabitants, some of them members of the corporation, gave us much valuable assistance. One gentleman, who is an attorney residing within the town, and a member of the common council, furnished us with information forming, in fact, the base of the present Report. He has for some years paid great attention to matters relating to the constitution of the corporation, and has at various times, by permission of the governing body, made extracts from the books of the corporation on this subject.

We have taken our account of the charters from a book published in 1825, entitled "The Charters and other Documents relating to the King's Town and Parish of Maidstone. By William Roberts James." We were informed that Mr. James was the solicitor employed in some proceedings, in one of the superior courts, instituted on a claim of freedom made by some of the inhabitants, on which occasion he obtained official copies of the charters for the purpose of giving them in evidence.

Limits and Liberties of the Borough.

2. There are three distinct Liberties in which the corporation of Maidstone have jurisdiction, each of which is defined in the governing charter. The first is the Borough, properly so called, which is co-extensive with the parish of Maidstone. The latter is not comprised in one continuous area; a part of the parish, forming the hamlet of Loddington, is separated from the rest of the parish; the distance between the nearest points of the two parts is three miles. The whole of the parish contains 4,873 acres, of which Loddington contains 540. A further account of this hamlet will be given in section 50. The usual and general corporate powers and privileges are limited to the parish; the other two liberties, as will be seen, are subject only to particular kinds of jurisdiction.

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The second is the Water Liberty. This comprehends that part of the River Medway between East Farleigh Bridge and Hawkwood, a distance of about 13 miles; three of them, to East Farleigh Bridge, being above Maidstone Bridge, and ten to Hawkwood, below it. Over this liberty the corporation have a conservancy jurisdiction, but it is not considered to be within the borough for any other purposes.

The third Liberty has reference merely to the court of pleas. It comprehends the parishes through which the water liberty passes, and others adjoining to the parish of Maidstone. The particulars respecting this liberty will be mentioned in section 47.

Charter by Edward VI.

3. Edward VI. granted a Charter, dated the 4th of July, in the 3d year of his reign. This charter states that, for many years then past, the government of the town of Maidstone had been thought to belong to certain inhabitants in the town, commonly called the Portreeve and Brethren of the town of Maidstone; but that, occasion being given of examining the principles and origin of such government of the town, the same were found insufficient in law to maintain such government. It then nominates thirteen of the inhabitants jurats, to continue in office for life, one of whom it appoints mayor of the town until the feast of St. Michael. There is the usual clause of incorporation of the mayor, jurats and inhabitants by the name of the mayor, jurats and commonalty of the town of Maidstone, in the county of Kent. The limits of the town are defined, as to all things in the charter contained, to extend over the town of Maidstone and the parish of All Saints of Maidstone. Power is given to the jurats, or the major part of them, to assemble every year on the feast of St. Michael the Archangel, and to nominate two of themselves, one of whom the rest of the inhabitants of the town and parish, having lands and tenements of freehold in the town and parish in their own right for the term of their life at least, or the major part of them, are to elect the mayor for the year following. Provision is made for the same form of election in case of the death or amoval of a mayor. In case of the death or amoval of a jurat, the mayor and a majority of the jurats are to elect one of the other persons then inhabiting within the town, to be jurat for his life, if it shall so seem good to the mayor and other jurats *and commonalty* of the town. Power is given to the mayor, jurats *and commonalty* to amove a jurat for sufficient fault, and to elect another in his stead. What power is given to the commonalty under these clauses, is not very clear. The mayor is to nominate a serjeant at mace for his year of office. There is a grant of a View of Frankpledge of all the resiants within the parish, to be held before the mayor twice in the year. There is also a grant of assize of bread, wine and other victuals, with power to hold a court before the mayor every three weeks, and there hold pleas of assize of novel disseisin, and other pleas concerning lands and tenements within the parish, and also actions, real, personal and mixed, accruing within the parish of any amount, with such process and executions as was used in the city of Canterbury. There is a grant of all the amerciaments and profits arising on the View of Frankpledge. There is also a grant of a market and four fairs, and all tolls and stallages arising from them, with a court of pie poudre. There is also, in consideration of the sum of 205*l.* 4*s.*, paid to the treasurer of the court of augmentation of the revenues of the crown by some of the inhabitants of the town, a grant of the fraternity, or guild, of Corpus Christi, in Maidstone, then dissolved, and of various other premises and lands specified. There is power given to the mayor, jurats and commonalty to erect a grammar-school, with proper ordinances and statutes. The mayor is to be clerk of the market, without interference from any other clerk of a market. Power is also given to the mayor and jurats, and the majority of the persons dwelling in the town, having lands or tenements of freehold as aforesaid, to make laws and ordinances for the government of the persons in the town, and to change the same, when necessary, in as ample manner as the mayor, aldermen and commonalty of the city of Canterbury might lawfully do. There is a power given to the mayor and commonalty to purchase, and take, lands and tenements to the yearly value of ten pounds.

It is said that Queen Mary (Tudor) seized the liberties, and the above charter, into her own hands upon Wyatt's rebellion, Wyatt being lord of the town by descent from Sir Henry Wyatt, to whom it had been granted by Henry VIII. How this should work a legal forfeiture of the charter of a preceding king, it is difficult to say. It is, perhaps, probable that the leading persons in the corporation had been engaged in the rebellion, and purchased pardon by a surrender.

Charter by Elizabeth.

4. Queen Elizabeth granted a charter dated the 4th of December, in the 2d year of her reign. This charter takes no notice of that of Edward VI., but recites the inconvenience of the government of every people not reduced into one body, and that therefore the town of Maidstone is to be brought into one body. From this it seems that no corporation then existed. The charter nominates one of the inhabitants mayor of the town and parish, to continue in office until the second of November, and the same person and other eleven inhabitants of the town and parish jurats. There is a clause of incorporation of the mayor, jurats and inhabitants, by the title of the Mayor, Jurats and Commonalty of the Town and Parish of Maidstone, in the County of Kent. The limits of the town are defined in the same terms as in the preceding charter. The election of future mayors and jurats is prescribed in the same terms as in the charter of Edward VI., and contains the same apparent inconsistency as to the election and amoval. There is a grant of a View of Frankpledge, and of assize of victuals, and of a court to be holden before the mayor every fortnight, on Tuesday, in which are to be holden pleas of assize of novel disseisin, and other pleas of lands, and all actions, real, personal and mixed, to any amount, in the same terms as in the preceding charter. The mayor is to be a justice of the peace within the liberties, with all the usual powers. The mayor, jurats and commonalty, and all the

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inhabitants within the town and parish, or within the liberties of the same, are to be exempt from all juries and inquisitions, except in the town of Maidstone. There is a grant of waifs and estrays arising within the parish, with a non-intromittat clause as to the sheriff. Power is given to the mayor, jurats and commonalty to elect two burgesses to serve in Parliament. The river boundaries are then defined to extend from East Farleigh Bridge to Hawkwood, and power is given to the mayor to arrest by his serjeant at mace any person within these limits. Power is also given to the mayor, jurats and commonalty to survey and correct all unlawful nets and fishings within these limits. A fee-farm rent of three pounds is reserved to the crown. There are the same clauses relating to the erection of a grammar school, clerkship of the market, power to make laws and to take lands, as in the charter of Edward VI.

1st Charter by James I.

5. James I. granted a Charter, bearing date the 31st of December, in the second year of his reign. This charter, after the usual clauses of incorporation, gives power to the mayor, jurats and commonalty of the town and parish for the time being, having lands or tenements of freehold in their own right for term of their life within the town and parish, and being freemen of the same town and parish, assembled upon public summons for this purpose thereof to be made, to make bye-laws and ordinances, for declaring in what manner the mayor, jurats and commonalty, and all the officers, ministers, burgesses, artificers, inhabitants and resiants shall conduct themselves. It names the first 13 jurats and the mayor. The election of the mayor, in the copy of the translation furnished to us, is as follows. The jurats, or the major part of them, are to nominate two men, then being jurats of the town and parish, or other persons being of the commonalty and freemen of the town and parish, and having a freehold within the town and parish as aforesaid, to the intent and purpose that the rest of the jurats and commonalty of the said town and parish, and then likewise being freemen, and seised in their demesne as of freehold of or in lands or tenements as aforesaid, then there present, or the greater part of them, may elect one of the same to be mayor. In case of the death or amotion of the mayor, the jurats, and such others of the commonalty of the town and parish being freemen of the town and parish, and having lands or tenements of freehold so as aforesaid within the town and parish, are to elect one other from themselves to be mayor. Power is given to the mayor, in case of sickness or absence from the town, to appoint one of the jurats to be deputy mayor, and also to appoint one or two serjeants at mace. The jurats are to be elected by the mayor and jurats from persons being of the commonalty, and then inhabiting within the town or parish, being freemen of the town and parish, and there having freeholds as aforesaid. Power is given to the mayor, jurats and commonalty, being freemen and having lands or tenements of freehold as aforesaid, to amove jurats. Power is also given to the mayor to hold a court of pleas in all actions, real, personal and mixed, every fourteen days. The mayor, steward or recorder, and one of the jurats, or of other the inhabitants being freemen and having a freehold as aforesaid, to be named by the mayor and jurats, are to be justices, with all the powers of justices of the county; exception is made of the determination of any treason or felony, or any other offence touching loss of life or member, without the special command of the Crown. Power is given to the corporation to have a prison, of which the mayor is to be the keeper. There is a recital that the church of All Saints of Maidstone was formerly a collegiate church, and that it, with its cemetery, was formerly parcel of the possessions of the dissolved college of Maidstone; there is then a grant in right of the King's prerogative, that the church should be the parish church; and also a grant to the mayor, jurats and commonalty of the church and cemetery, to hold of the Crown as of the manor of East Greenwich in free socage. There is a license to the corporation to hold lands of the clear yearly value of 20*l.*, and to alienate, and also to retain the lands mentioned to be granted to them in the charter of Edward VI. There is a confirmation of all previous grants, liberties and franchises.

2d Charter by James I.

6. James I. granted a second Charter, bearing date the 12th day of July, in the 17th year of his reign. After reciting that, by the charter of Elizabeth, the mayor, jurats and commonalty might elect any inhabitant jurat, and by the previous charter of James I. the same bodies were to elect an inhabitant, with the restriction as to such inhabitant being a freeman, and there having a freehold in his own right, it grants that the mayor, jurats and commonalty may elect any inhabitants for jurats. The charters of Edward VI. and Elizabeth are here interpreted, as if the grant of election to the mayor, jurats and commonalty, in case of amoval for fault, extended to all cases of annual or extraordinary vacancies. Power is given to the mayor, jurats and commonalty to impose fines on all persons refusing the office of jurat. The mayor and jurats are to elect a recorder. The mayor, jurats and commonalty may admit any person, whether an inhabitant or not, a freeman. After reciting the grant by Elizabeth of the court of pleas, and the water limits from East Farleigh Bridge to Hawkwood, as set out in her charter, this charter of James declares, that the jurisdiction of the corporation, only as to the cognizance and determination of actions personal and mixed, and of replevies made, and to no other intents, shall extend by and through the parishes of East Farleigh, Barming, Loose, Boxley, Allington, Millhale, Newhithe, Linton and Otham, so that such jurisdiction be not to the prejudice of any other jurisdictions: the mayor is to execute all the process of the court through this jurisdiction. There is a confirmation of the grant by Elizabeth of the exemption of all the inhabitants from serving on county juries. The mayor, recorder and two of the more ancient jurats are to be justices; there is a non-intromittant clause as to the justices of Kent. The borough justices are to have power to determine all trespasses and misdeeds, but not treasons or felonies, or any

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other offences touching the loss of life or member, without the special mandate of the Crown. There is a grant of fines and of waifs, estrays and forfeitures. The mayor is to be coroner, and no county coroner is to interfere. The mayor is to have the return of all writs, without the intromission of the county sheriff, coroner or escheator. There is a grant of wharfage, anchorage and groundage within the parish. License is given to the mayor, jurats and commonalty to keep swans within the water limits. There is a declaration, grant and confirmation to the corporation of a toll upon all merchandize and things brought to or carried from the town by land or water, in aid of the reparation and amendment of the bridges, ways and common edifices, the watercourse of the Medway, and the soil and banks of the same; a specification of the tolls is given in the charter. Power is also given to the mayor, jurats and commonalty for the better support of the charges of the town, or other reasonable cause, or for the public good, to impose and assess upon themselves and every inhabitant reasonable taxes, and to levy the same by distress. There is a general confirmation of all previous charters, liberties and franchises.

3d Charter by James I.

7. James I. granted a Charter, bearing date the 26th of July, in the 19th year of his reign. This charter relates merely to the non-intromittant clause as to the justices of the county in the preceding charters. It grants authority to the county justices and sheriffs to hold their sessions within the town for all matters done without the town, and to hold their public meetings there relating to the public business of the county, or the county gaol within the town.

Proposed Charter by Charles II.

8. There is a Charter, bearing date the 26th of October, in the 34th year of the reign of Charles II. which is supposed not to have taken effect, as it is stated to have been granted upon the surrender by the corporation of all their charters, which surrender, it is said, was never enrolled.* In the book before mentioned, containing the charters, it is said (page 124), that "Maidstone is not included in the number of places mentioned in King James's proclamation as having enrolled their surrenders; and the fact is, that it was not enrolled." In the same book (page 123), is professed to be given a copy of an entry in the corporation books, dated 20th June 1682, containing a resolution of the court of burghmote, "that there be a letter of attorney made unto Edmund Wiatt, esq. for us and on our behalfs, to surrender unto the King's most excellent majesty the charter or charters of our corporation; and for so doing the said letter of attorney shall be his sufficient warrant, which letter of attorney was made and done accordingly." In a book, entitled "The History and Antiquities of Maidstone; from the transcript Collections of William Newton," printed in 1741, it is said that, "it being supposed that the former charters were not legally surrendered, the corporation have declined acting by that of Charles II. ever since the Revolution in 1688." We may observe that this was written before the charter of George II. was granted. In an extract from one of the books of the corporation furnished to us, and which purports to be an entry of a court of burghmote, held in 1690, the term "jurat" is used instead of "alderman." At this court a town clerk was elected by the mayor, jurats and commonalty: the charter of Charles II. as will be seen, prescribes the election to be by the mayor and aldermen. These circumstances seem to prove that the corporation was not acting under the charter of Charles II. at this time. We have noticed these points for reasons which will appear in section 21.

The charter of Charles II., after reciting the previous incorporation of the town, the surrender of the charters, and the acceptance by the King of the surrender, grants a new incorporation to the mayor, jurats and commonalty, by the name of the Mayor and Aldermen of the King's Town and Parish of Maidstone, in the County of Kent. The principal variations from the previous charters are the following: there are to be 12 aldermen, besides the mayor, and 24 men called the common council, which aldermen and 24 are to be the common council assisting the mayor. The common council are to make bye-laws. The mayor and aldermen are to nominate two of the aldermen, or of other persons inhabiting in the town or parish, and having lands of free tenure, called freehold, for the term of their life at least, one of whom the other inhabitants, having such freehold, are to elect the mayor. The aldermen and common council are to be elected from the inhabitants by the mayor and aldermen. The recorder is to be elected by the mayor and aldermen. The mayor and recorder may each appoint a deputy, when necessary. The mayor, aldermen, common council and freemen are to elect the Members of Parliament. A power is reserved to the Crown to amove the mayor, recorder, common clerk and the justices. The mayor and aldermen are to elect the common clerk. The mayor, recorder, ex-mayor, and three of the aldermen who shall have been mayor, to be elected by the mayor and aldermen, are to be justices.

Charter of Geo. II.

9. George II. granted a charter, bearing date the 17th of June, in the 21st year of his reign, by which the corporation are at present governed. This charter states that informations in the nature of *quo warranto* had been prosecuted in the court of King's Bench, and judgment of ouster obtained against all the acting jurats of the corporation, so that the corporation was then dissolved. The principal provisions of the charter will appear in the following sections. It contains a grant and confirmation of all the liberties and privileges which the corporation had ever enjoyed before.

Title of Corporation.

10. The style of the Corporation in this charter is, "The Mayor, Jurats and Commonalty of the King's Town and Parish of Maidstone in the County of Kent."

* See Bully v. Palmer, 12 Mod. 247. reported as Butler v. Palmer, 1 Salk. 190.

11. The

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11. The Officers of the corporation named in it are,— Officers named in the last Charter.

Mayor	1
Jurats (exclusive of the mayor)	12
Common Council	40
Recorder	1
Deputy Recorder	1
Serjeants at Mace	1 or 2 by the charter, 2 in fact.

12. The other Officers connected with the corporation, but not named in the charter, are,— Other Officers.

Town Clerk	1
Chamberlain	1 in fact, but see § 22.
Water Bailiff	1
Crier	1
Constable	1
Borsholders	4

13. The number of Freemen at present is estimated at 845: the number in the revising barrister's list of 1833, as resident within the borough or seven miles from it, was 492, besides which, there are 31 resident, but incapacitated, by receiving parochial relief, from voting at elections of Members of Parliament. The number resident beyond the seven miles is estimated at 322. From the frequent contests at the different elections at which freemen vote, great attention has for many years been paid to the fluctuations of the body. We were informed that the above estimate was probably very near the truth. Freemen.

14. The Mayor, by the charter, is to be annually elected in the following manner. On the 2d of November the jurats are to nominate two of their own body, one of whom the rest of the jurats and commonalty, or the major part of them, are to elect as mayor for the following year. In practice a rotation is almost invariably observed in this nomination by the jurats, with this exception, that the three senior jurats are never put in nomination. The reason of this is, that the election of one of them as mayor would diminish the number of justices for the borough, as will be seen in section 35. In one or two instances the private circumstances of a jurat have been the cause of his being passed over. The nomination takes place at a meeting of the whole body. It is usual for the town clerk to take a paper round to each jurat, beginning with the junior, for the purpose of each jurat writing down the names of the persons he wishes to be nominated. It is thought that the paper, before this takes place, has already on it the names of the two jurats next in rotation to serve the office of mayor, and that a mark is, as a matter of course, made by each jurat opposite to each of these. Instances are, however, remembered in which this rotation was not observed. The town clerk announces the two names to the meeting at large. The mayor then calls for a show of hands, and declares which person nominated has a majority, and, if no poll is demanded, such person is declared to be elected mayor. Any freeman may demand a poll; and this is generally done. At the poll each freeman comes successively to the bar, and gives his vote openly. Very severe contests have sometimes taken place; freemen have occasionally been brought from Rochester and Chatham. In 1819, 504 persons voted; the numbers at the close of the poll were 254, 250. The mayor and the two jurats in nomination have sometimes voted. In the election last mentioned, all three voted for the person eventually lowest on the poll. It is supposed that on an equality of votes the mayor would give a casting vote; but no instance of this is remembered. The charter, after naming the 2d November as the day of nomination, prescribes, that the jurats and commonalty *then there present* shall elect the mayor. This has been understood to restrict the election to the day there mentioned; and, on the contest in 1819, the poll was kept open until a few minutes before 12 at midnight. In 1817, however, on a contest, the meeting for election was adjourned to the following day. Mayor, Election of.

These contests do not arise from any preference given to either of the persons nominated, nor from any opinion as to the fitness of either to fill the office of mayor. They are purely the effects of political party spirit, which prevails with the utmost rancour and bitterness of feeling. Both parties go to the contest with the object only of showing their strength and annoying their opponents. The party forming the majority of the ruling body of the corporation always vote for the senior person in nomination; the party entertaining opposite opinions always vote for the junior, whoever he may be. The latter party, as there is not any jurat who is supposed to be of the same political opinions as themselves, have no preference of any one on political grounds, neither have the opposite party. The office is not at all an object of desire with the jurats. The present mayor complained of his election, at the time, as a hardship. We were told that it was quite notorious in the town, that beer had been distributed by jurats amongst the lower classes of freemen, in order to induce them to vote *against* the donor. A freeman informed us, that he himself had been employed for three successive years on behalf of the same person to purchase beer, and distribute it by ticket amongst the freemen; that at one election he received a cheque for 10*l.* for this purpose, signed by the jurat in nomination, by whom he considered himself employed; at another, 6*l.* The jurat referred to, although nominated three times, has not been yet elected mayor. The person employed as agent, who gave us this information, not only did not vote *against* the jurat in question, but was the person who demanded the poll, and himself voted *for* his alleged employer. It is not easy to imagine a greater perversion of municipal institutions, than a system under which bribes are given for the purpose of escaping from the highest office, and under which that office is inflicted as a measure of hostility. It might be expected that, in order

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to avoid the office of mayor, persons would resign that of jurat; the reason of their not doing so will appear in some of the following sections.

In case of the death of the mayor, the vacancy is to be filled up in the same manner.

No instance is known of a non-resident jurat having been appointed mayor.

Deputy Mayor, appointment of.

15. The mayor has by the charter the power of appointing one of the jurats Deputy Mayor, in case of sickness or absence from the town from some reasonable cause: the appointment is to continue, during such sickness or absence, at the pleasure of the mayor. A deputy mayor is frequently appointed.

Jurats, election of.

16. The twelve Jurats are directed by the charter to be elected out of the common council, by the mayor, jurats and common council, or the major part of them. Any member of the common council may be proposed by any jurat or common councilman. It is considered that the mayor and a majority, both of the jurats and of the common councilmen, must be present. Vacancies are not always filled up as they occur; in the year 1814 there were five vacancies; there is at present one. There can be no doubt that certain political opinions form an almost indispensable qualification for admission into this body. We understand that, till within the last 50 years, it was the usual practice to elect the common councilmen in rotation, as they stood in seniority upon the list of the common council. Nearly ever since that time, there has been a majority of one political party in the two bodies; the consequence of which, and of the system above mentioned being acted upon, is that every one of the jurats is supposed to belong to this political party. This seems to have been openly avowed by the jurats themselves, as we were told that one of them had said at a public court, upon some allusion to the political party, that they had got the power, and would keep it. A candidate is sometimes proposed, at an election of jurats, by the party politically opposed to what are considered the corporation politics, but never with success. If any canvass takes place previously to an election, it is entirely confined to the political partisans of the person canvassing. The most common, though not the uniform, method seems to be to elect the senior common councilman of the ruling party. At any rate, some arrangement seems to be always made by each party before the election, as no instance is remembered of a greater number of persons having been proposed by each party, than the number of vacancies to be filled up. There does not appear to be any family relationship amongst the present jurats; two of the three senior jurats are partners in business as brewers; the other two partners, who are near relations of one of the former, are members of the common council. It has frequently happened, of late years, that persons have been elected jurats very soon after their election into the common council. We believe that many common councilmen, equal in wealth and respectability to those elected, have been passed over from party feelings. It is generally considered to be an object of great desire to be elected into this body. There was an instance of a person being fined for not serving as jurat, after being elected, in the reign of Elizabeth; but we believe that there has been no such refusal in modern times. Two or three instances of the resignation of the office of jurat are remembered. It is thought that the resignation ought to be received by the electing body; but this does not usually take place. It is usual for the resignation to be offered to, and accepted by, the Boroughmote Court; there was a question in agitation at the time of our inquiry (December 6, 1833) whether it was necessary that notice of the intended resignation should appear in the summons to that court. The person, wishing to resign, has usually mentioned his intention to the jurats, and the mayor has afterwards declared the resignation at a meeting of the whole body, including the freemen. In one instance, the resignation was not accepted, although, as it was rumoured, the person, wishing to resign, offered to pay 300 guineas into the corporation chest. The reason of resignation was, in one instance, the jurat's quitting the town; in another, circumstances of a private nature. There is a power of amoval of jurats given by the charter to the mayor, jurats and common council for sufficient offences; but no modern instance is known of this having been exercised.

Common Council, election of.

17. The election of the forty Common Councilmen is directed by the charter to be made by the mayor, jurats and commonalty, or the majority of them, on vacancy by death or otherwise, from the remaining principal inhabitants of the town and parish. The common councilmen are thus elected for life. This body seems to have been first established by a bye-law made in 3d James I. In practice, none but freemen are ever elected. Vacancies are not regularly filled up as they occur; in the year 1786, there were nine vacancies; in the year 1791, seven vacancies; in the year 1825, seven; and in the year 1833, seven. There is usually a contest on an election into this body. In some cases the greatest exertions have been made; freemen have been brought from great distances. We were informed that it was quite undoubted, that money was at such times given to the freemen to induce them to vote for a particular candidate. We were told that, on one occasion, a candidate gave 15*l.* and a pig to every voter who chose to take them. It was estimated that, in the contest alluded to, the two candidates together expended above 4,000*l.* A member of the common council informed us that, on the same occasion, above 1,700*l.* passed through his own hands, as part of the expenses of one of the candidates. So little disguise or shame was affected on this occasion, that (as we were assured) pigs were paraded in the streets, decorated with the colours of the candidate who had bestowed them. The candidates were part proprietors of two rival brewing establishments within the town. The motive of this expenditure was supposed to be, the influence which each party considered that he should obtain in the granting of victuallers' licenses, in the event of his election as a jurat. No such extraordinary expenditure has taken place since the contest alluded to, which occurred in 1795; but it is not doubted that the practice has

has existed to a certain extent up to the present time; and we were expressly told that both the political parties adverted to in the last section equally joined in it. The election, on the occasion alluded to, lasted seven days. In almost all other contests, the struggle has been between the two political parties; the result of these of late years was thought to have been nearly equally in favour of each party. Some proceedings are at present pending in one of the superior courts, respecting the validity of the election of the last sworn common councilmen. Religious tenets seem not to have formed any ground of preferment or exclusion. It was said, that the town clerk did not consider a person's election perfected, until he had taken the oaths of allegiance at the quarter sessions; but this step is not always taken. One resignation by a person who was leaving the country was remembered. Power is given to the mayor, jurats and common council to amove common councilmen for sufficient offence. It was not known whether the vacancy in 1729, made by a person convicted of an offence, was caused by an amoval or resignation.

Recorder, election of.

18. The Recorder is, by charter, to be elected by the mayor and jurats, or the major part of them; he is to be learned in the law of England. He is to hold office during the pleasure of the mayor and jurats. The recorders have always been barristers, since the grant of the present charter. The present recorder is now a King's counsel; he goes the home circuit; at the time of his election he was one of the senior barristers of the county sessions, but not a King's counsel. He was elected in 1829, on a vacancy caused by his predecessor being created a puisne baron of the Exchequer.

Deputy Recorder, election of.

19. The charter gives the Recorder power to constitute one other person, learned in the law of England, to be his Deputy during his pleasure. We were informed that the first instance of the creation of any deputy recorder mentioned in the books of the corporation, was in 1753. This office seems always to have been given to the town clerk: it is so held now.

Serjeants at Mace, election of.

20. The Serjeant or Serjeants at Mace are, by the charter, to be appointed by the mayor for the time being, to hold at his pleasure. The charter directs that there shall be one or two: in practice there are always two. The same persons are generally re-appointed. They are almost always freemen.

Town Clerk, election of.

21. The office of Town Clerk is not mentioned in any charter, except that of Charles II.: according to this charter, the election is to be by the mayor and aldermen. A number of extracts from the books of the corporation, commencing in the time of Elizabeth, were produced to us. In all of these, where the election of town clerk is mentioned, it is said to be by the mayor, jurats and either commonalty or common council. The entries comprise three periods; one before the date of the charter of Charles II., another between the year 1688 and the granting of the governing charter of George II., and a third since the last charter. No entry appears between the date of the charter of Charles II. and 1688. The latest entry is one of a meeting of the mayor, jurats and common council, held the 3d July 1747, "being the first meeting since the restoring of their charter." The same person is stated to have been chosen recorder by the mayor and jurats, and town clerk and steward, by the mayor, jurats and common council. We were unable to ascertain how the persons filling this office had been elected since the period last mentioned. Nothing was known by the persons who came before us as to the election of the present town clerk, beyond this fact, that the common council or freemen had not joined in the election. On this account, it was contended that no legal appointment of the present town clerk could have taken place, on the ground that the charter of Charles II. was inoperative, and that no appointment could be justified under its provision, and that the election must therefore be regulated by the custom, which had uniformly given a share in the election to the common council. The town clerk himself and the jurats had always refused to give any explanation as to this appointment. The present town clerk is a practising attorney, residing in the town; he is deputy recorder. He is not a freeman; and a doubt was expressed whether, if the election had taken place at the Boroughmote Court, the want of this qualification would not have been conclusive against his chance of success.

Chamberlain, appointment of.

22. The Chamberlain is appointed by the mayor for the time being. The same person is frequently re-appointed, but no regularity seems to be observed as to the time of appointment. The chamberlain for the time being holds office, until a mayor appoints another person, which sometimes takes place not on the day fixed for the election of officers. Previously to the last 70 years, two chamberlains used to be elected, one by the mayor and jurats, who, it is thought, was generally a jurat; and the other, by the mayor, jurats and commonalty. The chamberlain is always a freeman.

Water Bailiff, election of.

23. The Water Bailiff is elected by the mayor, jurats and commonalty. We could not learn whether he holds for life or at pleasure. He is always a freeman. The present water bailiff has held the office for several years.

Crier, appointment of.

24. The Crier is appointed by the mayor and jurats annually. The same person is generally re-appointed.

Constable, appointment of.

25. The Constable is selected and appointed annually by the justices from a presentment of persons by the jury of the court leet. The town clerk furnishes the jury with a list of all who have served the office, or have paid the fine for not serving, in order that none of them may be presented, and the jurors, from their individual knowledge, as inhabitants, fix upon such persons as they think proper. The persons selected by them are generally the trades-

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people of the town; the practical test of eligibility is the being rated to the poor. Freemen and non-freemen are indifferently taken: it is not usual to present any one who is not in business. Persons are seldom presented for constables, until they have served the office of borsholder, between the holding of which two offices a few years are generally allowed to elapse. The mayor and three other justices, with the town clerk (or deputy recorder) attend the court; the jury send to them a number of names on paper, from which the magistrates select one, and the out-going constable is immediately sent with his staff of office to such person's house, the court still sitting. If the person chosen be willing to serve, the staff is left, and this constitutes the appointment. If he choose to pay a fine instead of serving, the magistrates either select one of the other names, or send to the jury for a fresh list, out of which they select another name, and the same ceremony is pursued, until a person is fixed upon who accepts the office. The number of names sent by the jury to the justices is quite discretionary; sometimes only two are sent, sometimes as many as six. We were told that it was usual for the magistrates to state how many names they wished for; and that the jury generally acted in compliance with this: others doubted whether any communication took place on the subject. In one instance, which occurred about 12 years ago, the jury sent up a number of names only just sufficient to fill the five vacancies, of the one constable and four borsholders. After a refusal to serve, the justices appear to assume a discretion as to whether they will take another name from the same list, or send for a new list to the jury. An instance has, however, occurred of the jury refusing to furnish more names, until all the persons on the first had been applied to. The fine paid for not serving is 7*l.* The fines frequently amount to a considerable sum; they, and the fines mentioned in the next section, for refusals to serve as borsholders, have been known to amount to 90*l.* in a year. They are paid to the general corporation fund. It was mentioned to us by several inhabitants that a belief existed, that the justices were in the habit of selecting such persons as they thought unlikely to accept the office, in order that they might increase the amount of fines paid to the corporation. We do not know how far the suspicion extends, nor had we any means of ascertaining what foundation there was for it, as no member of the corporation attended before us, who was acquainted with the reasons by which the justices are guided in their selecton of these names. We think it probable, that the suspicion may have arisen in some measure from that general distrust and dislike of the governing body, felt by the party opposed on almost all occasions to it, and which every election into it has tended to increase. Clubs have been instituted for the purpose of counteracting this supposed system of extorting fines. Each member of the club contributes, in order to make up the sum of 15*l.*, which is paid to any member who is selected as constable, and consents to serve the office, instead of paying the fine: 7*l.* 10*s.* is the sum contributed to a person selected as borsholder. There is a great disinclination to serve the office of constable. The constable is sworn at the court leet, if he happen to be present; if not, before the justices at the petty or quarter sessions. He serves till the next annual appointment. Persons are not now allowed to serve by substitute: before the repeal of the Test and Corporation Acts, dissenters were allowed to do so.

Borsholders, appointment of.

26. The Borsholders are appointed in precisely the same manner, and from the same class of inhabitants, as the constables. There are two districts in the town called boroughs; the borsholders are appropriated to each respectively. The magistrates require that the list sent up to them shall contain names from each borough to enable them to make the appropriation. The usual fine for not serving is 2*l.* The same remarks which were made in the last section, apply equally to this. There is a great disinclination to serve this office. The borsholders are sworn at the court leet, if they happen to be present; if not, before the justices at the petty or quarter sessions.

Fees paid on admission to office.

27. No fees are known to be payable on admission to office. In the year 1825, after a contest which continued to the fourth day, on an election of seven common councilmen, the town clerk sent in a bill to the candidates of 22*l.* 18*s.* 6*d.* The items of this are, attending and taking the poll, 21*l.*; paid for poll and check books, 1*l.* 2*s.* 6*d.*; paid for fitting up the lower hall, 16*s.* It was not known whether or not charges of this nature were generally made.

Fines.

28. No fines are ever imposed for refusal to take office, except in the cases of constable and borsholder above mentioned.

Freemen, admission of.

29. The Freedom may be acquired by any one of the following means:

1stly, By Birth.
2dly, By Apprenticeship.
3dly, By Purchase.

527 Freemen were admitted between the 21st of October 1813 and the 8th December 1833. We had no means of separating the number of creations by birth and by apprenticeship, but were informed that the latter was probably about one-half of the former. No creation by purchase has taken place within this period. The admission takes place at a court of boroughmote, consisting of the mayor, jurats and commonalty. The practice on admission is, for the mayor to put the question whether the applicant shall be admitted; if no objection be made, the person is admitted. Any freeman may object; in such a case a show of hands is called for, and the majority determines.

Freedom by Birth.

Every son of a freeman born within the parish after his father has been admitted a freeman, is entitled to his freedom at the age of 21. It is supposed that birth on board a vessel within the water-limits of the borough, but out of the parish, will not confer the freedom. If the vessel be on that part of the river which is within the parish, the person is entitled to his freedom. A person may take up his freedom at any time after the age of 21; the usual evidence of birth is generally required, but instances have occurred where, when the register could not be procured, the court have decided as to the age upon view.

The

The expense of taking up the freedom for this class is not the same for an eldest and a younger son. If the eldest son die before admission, the second is admitted as an eldest son, but not if the eldest had been admitted. We were informed that the aggregate amount of fees in each of the following tables is correct, but that there might probably be some trifling errors in the items into which it is divided.

For an eldest Son.	£.	s.	d.
Fine	–	–	6
Mayor's fee	–	2	6
Town Clerk's fee	–	2	10
First Serjeant at Mace's fee	–	–	6
Second Serjeant at Mace's fee	–	–	4
Crier's fee	–	–	4
Stamp	1	–	–
£.	1	7	–

For a younger Son.	£.	s.	d.
Fine	2	–	–
Mayor's fee	–	6	8
Town Clerk's fee	–	4	4
First Serjeant at Mace's fee	–	1	–
Second Serjeant at Mace's fee	–	–	8
Crier's fee	–	–	8
Stamp	1	–	–
£.	3	13	4

The crier always receives one shilling, in addition to his fee, from every freeman, on his carrying to him the printed admission; it was not known whether or not he could enforce this claim.

Freedom by apprenticeship.

Every person, after having served an Apprenticeship to a freeman residing within the parish, is entitled to his freedom at the age of 21, provided he have slept the last 40 nights of his apprenticeship within the parish. The sleeping may be on board a vessel in the river, provided it be in that part of it which is within the parish. With this exception of the last 40 nights, the service need not be within the parish. There is no restriction as to the number of apprentices that a freeman may take. It has been decided by the Burghmote Court that the master must be in business for himself, not a journeyman. An inrolment of the indentures must be made within three months after the execution of them. Every person admitted as a freeman takes an oath that he will not take any apprentice under the age of 12 years, and that he will cause the indentures of all apprentices bound to him to be inrolled according to the laws and orders of the town. A parish apprentice gains a freedom by the same means. If the indenture be not inrolled within the three months, it cannot be inrolled at all, and no freedom can be gained. One instance, however, was mentioned to us where the indenture had been left with the town-clerk for the purpose of being inrolled, which by some chance was not done. When the person applied for his freedom, the omission was discovered. The apprentice was admitted on the ground that, as the indenture had been left with the officer of the corporation for the purpose of being inrolled, it must be presumed that such inrolment had taken place. This is the only instance known where, without inrolment, the mayor has put the question to the court. If the mayor do not put the question, the court cannot come to any decision. In cases where the master has not attended the court to prove the service, the mayor has put the question for the court to decide upon the admission. If the apprentice has married during his service, it is considered that he is not entitled to his freedom. One or two instances are known where in such a case the freedom has been granted. If the master die during the apprenticeship, the freedom is obtained by service under an assignment of the indentures by the executors. The assignment is not inrolled. If the service be nearly completed at the time of the death of the master, the corporation have sometimes admitted to the freedom after a service for the remainder of the time to the widow.

The following is the amount of expense of taking up the freedom for this class: there may, as in the former tables, be some trifling error in the items into which the whole sum is divided.

	£.	s.	d.
Fine	–	1	–
Fee to the Mayor	–	2	6
Fee to Town Clerk	–	3	4
Fee to first Serjeant	–	–	8
Fee to second Serjeant	–	–	6
Fee to Crier	–	–	6
Stamp	1	–	–
£.	1	8	6

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The crier also in this case receives one shilling from each freeman on his carrying to him the printed admission; and the strict right is doubted here also. The system of submitting to a court, constituted as the court of burghmote is, the decision of such questions as arise upon the admission to the freedom, acquired by certain defined means, seems very objectionable; even in cases where such a court may be supposed competent to form a judgment, there is little probability of this judgment being properly exercised during periods of political excitement, caused by the expectation of an election of Members of Parliament, which is the time when the greatest number of freedoms is applied for. We were informed that at such times a great canvass is made by those who have either been previously rejected, or whose claim to the freedom has appeared to be doubtful. There seemed to be no doubt that, upon the promise to vote on the side of either of the political parties, freemen of that party have gone to the court to support a claim which they knew to be bad.

Freedom by purchase.

By the charter, power is given to the mayor, jurats and commonalty to admit any persons, whether inhabitants or not, Freemen of the town. About the year 1761, the corporation were in the habit of selling freedoms for the sum of 15*l.* each; but this practice continued only for about three years, and has not since been revived. In the year 1747, that in which the charter was granted, the foreigners' fine on being made free seems to have been from 15*l.* to 20*l.*

Governing Body.

30. The charter gives the power of making bye-laws and ordinances for the government of the town, and of imposing fines for the breach of them, to the mayor, jurats and common council; all other powers are lodged in the body at large. The only instance in which the mayor, jurats and common council seem to have acted of late years independently of the Freemen, occurred a few years ago, when, upon the erection of a new market, it was necessary to make some regulations. No separate meeting was called for this purpose; but at a meeting of the whole body, these regulations were settled by the mayor, jurats and common council, the freemen not interfering. With this exception, all the affairs of the corporation are managed by the whole body, a meeting of which is called a Court of Burghmote. Ten days' notice is requisite for holding this court; whether the days of giving the notice and of holding the meeting are to be inclusive or exclusive, is at present a subject of dispute amongst members of the corporation, respecting which proceedings are now pending in one of the superior courts. In the year 1749 a bye-law was passed, enacting that every notice of a court of burghmote should specify the business for which the court was to be held; this was repealed in 1761, and at present the notice given states nothing but the time of holding the court: the legality of this is questioned by some members of the corporation. In the year 1823 a resolution was made, that a court of burghmote should be held every three months at the appointment of the mayor. This resolution, it is believed, was never rescinded, but it is entirely neglected. The greatest part of the business relating to the general management of the affairs of the corporation, the making of repairs, and other matters requiring expenditure by the corporation, seems to be practically done by the mayor, probably after consulting the jurats, except when there happens to be a committee of general purposes. The mayor must convene and be present at the court. The proposition for filling up vacancies always comes from him. We were informed that a whole year has passed without any court of burghmote being convened, exclusive of that for the election of officers, at which no other business can take place. Inconvenience has frequently been experienced from this by persons wishing to take up their freedom, who have had sons born before a court has been held: this was the cause of the bye-law respecting quarterly meetings. We were told, however, that the mayor had generally convened a court on being applied to.

Committees.

31. The Court of Burghmote has occasionally appointed Committees for particular departments of business. There have been committees for auditing the chamberlain's accounts, another committee for surveying the property of the corporation, and a third for general purposes.

Remarks on the Constitution of the Corporation.

32. From what has been detailed in the previous sections, it appears that the present constitution has not worked well. The two usual modes of obtaining the freedom must necessarily exclude a large class of persons, whose participation in the elections and several proceedings of the corporation might have checked the corrupt practices in the elections which have been mentioned, or at all events have given a milder tone to political differences. The whole number of freemen is computed at 845, of whom only 154 (as nearly as can be ascertained) are rated to the poor for houses of 10*l.* and upwards, which seems to answer to an annual value of about 20*l.*; 136 are rated for houses under 10*l.* through their landlords, under the provisions of local Acts, and 31 are receiving parochial relief. There are about 690 inhabitants rated to the poor for houses of 10*l.* and upwards, who are not in the corporation. It is scarcely to be expected that the proceedings of a body, composed as the freemen are, would be regulated by considerations of the well-being of the town. The result has been that, where the decision of a question is not influenced by bribery, the issue most commonly depends upon the popular feeling prevalent among the lowest classes at the time, and is independent of the merits. The effect of the system has been to create virulent and bitter party spirit, which has tended to excite, in one party at least, a distrust in the magistracy of the town, and which shows itself in all the ordinary parochial arrangements. No instance is remembered of an election of members of Parliament without a contest; and political animosities have been excited on every occasion. We were informed that not only the tradespeople of the corporation, as a body, were employed from their being of a particular

particular political party, but that a preference from this cause existed, to a certain extent, in the private transactions of individuals. A strong feeling was expressed to us upon the expediency of giving the power of electing the magistrates and governing body of the corporation to the inhabitants generally who are contributory to the assessments and other burthens of the town; and we were told that already some abatement in this political excitement had been observed, since the Reform Act had disfranchised the non-resident and pauper Freemen.

Mayor, functions of.

33. The principal functions of the mayor, as connected with the internal detail of the constitution of the corporation, have been already mentioned. In practice he seems to take the principal management of the affairs of the corporation. It is usual for him to give orders relating to repairs, and other matters requiring expenditure. He also gives the orders to the chamberlain for the payment of any accounts.

He is a justice of the peace for the town and parish; he does the principal part of the business, and is always first applied to. His duties as magistrate are very onerous.

He is by charter judge of the court of pleas.

He has power to hold a court of pie poudre.

He always presides at the court leet.

He has power to hold a court of conservancy for the River Medway within the water limits.

He is sole coroner within the town and parish. This jurisdiction seems not to extend over the water liberties out of the parish. In case of any death within the water liberties out of the parish, the county coroner holds the inquest. The mayor is always attended on inquests by the town clerk or his clerk. The number of inquests in the year was thought to average about six.

The mayor is clerk of the market. The duties attached to this office seem to be regularly performed by him. Once in the year he visits all the shops to try the weights and measures; he seizes those that are incorrect, but never imposes fines.

He is by office a trustee under the Acts relating to the poor, and is chairman of the meetings when present, and as such has a casting vote in addition to his first vote.

He is a commissioner under the Paving Acts.

He is a trustee for several charities.

He is returning officer on the election of Members of Parliament for the borough.

He has a salary of 5*l.* This has for several years been received as a pension by an old servant of the corporation. About 60 years ago, a bye-law provided that the mayor should receive an allowance of 50*l.* to defray his expenses, but this was repealed the following year. He has the usual coroner's fees, which do not average above 6*l.* He has a fee upon every admission to the freedom, which is supposed to be the following: on the admission by birth of an eldest son, 2*s.* 6*d.*, of a younger son, 6*s.* 8*d.*, and on the admission by apprenticeship, 2*s.* 6*d.* We have no means of ascertaining the average amount of these. It was not known whether there were any fees to the mayor on the sealing of leases. By an old entry in one of the corporation books, the mayor appears to have been entitled to take a certain portion of grain out of all foreign grain brought within the town, also of fish and salt. This toll has not been taken within living memory. The above emoluments, as will have been seen, are inconsiderable. The fees are in fact paid, but it was thought not to have been usual for the mayor to receive them from the town clerk. The mayor has to pay the serjeants at mace a small sum of money, instead of a dinner, which he used to give them once in the week. On the morning of the day on which he goes out of office, it is usual for him to provide a breakfast for all the respectable inhabitants who choose to attend; the number who do so is on the average 70 or 80. The expense of this is from 30*l.* to 40*l.* A dinner is given by the inhabitants to the new mayor on the day of his entering upon his office, at which each individual has to pay his own share; but it was thought that there was an understanding that the mayor should pay whatever exceeded a certain sum for each. For the reasons above given, we had no means of estimating the average amount of the expenses of the office; it was thought that the mayor generally incurred an expense of from 100*l.* to 200*l.* by the office.

The duties of the office take up a great portion of the mayor's time.

Deputy Mayor, functions of.

34. It was not known whether the Deputy Mayor ever executed the functions of a justice of peace, as deputy mayor. The charter gives him power to execute all things "which appertain and ought to belong to the office of mayor."

Jurats, functions of.

35. The functions of the Jurats, connected with the details of the constitution of the corporation, have been mentioned. In practice, it is considered that almost the whole management of the affairs of the corporation is taken by them and the mayor.

The three senior jurats are justices of the town and parish. They always attend the quarter sessions when they are held. They do not generally attend the petty sessions, unless an intimation be given to them that they are wanted. When it is necessary for two justices to act, one of the jurats is sent for. The principal part of the duty of justice is performed by the mayor. It seemed to be generally agreed that the number of justices was not sufficient for the increased population of the town.

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The three senior jurats, not justices, are trustees under the Act relating to the poor. In the mayor's absence, the senior of them present is chairman at the meetings, and has a casting vote in addition to his first vote.

The jurats have no emoluments whatever.

Common Council, functions of.

36. The Common Council have no functions beyond those which have been mentioned, relating to the detail of the constitution of the corporation.

They have no emoluments.

Recorder, functions of.

37. The Recorder is a justice of the peace for the town and parish. He always attends the quarter (or general) sessions, whenever they are held.

He is a commissioner under the Pavement Acts.

He has a salary of 10*l.*; his travelling expenses are not allowed.

Deputy Recorder, functions of.

38. The charter gives the Deputy Recorder authority to do all things which belong to the office of Recorder. We are not aware whether the corporation construe this to extend to the powers of a justice of the peace. No deputy recorder is known to have acted as justice. The present deputy recorder appears not to execute any duties as such.

He has no emoluments as deputy recorder. The town clerk's emoluments will be noticed in section 40.

Serjeants at Mace, functions of.

39. The Serjeants at Mace are the officers of the court of pleas; all process out of that court is directed to them.

They also attend the mayor and all corporate meetings, and act generally as the servants of the corporation.

Their salaries were supposed to be 8*l.* 8*s.* each. They are entitled to fees on executing the process of the civil court; but this court having been disused, they derive nothing from that source. They have fees on admissions to the freedom, which were specified in section 29. We had no means of ascertaining how much these fees amounted to in any year. We understood it to be customary, in all cases of assault and affiliation at the quarter sessions, for the serjeants to claim a fee of 1*s.* 6*d.*, which has been occasionally refused. These fees would produce about 2*l.* in the year. The senior serjeant has a fee upon each inquest, which was thought to be 2*s.* 6*d.*; the average amount of these fees in the year may be about 15*s.* They also claim a fee upon attending courts of burghmote, the amount of which we do not know, nor from what source it is derived. They also receive a sum of money from the mayor in lieu of a dinner, which used to be given to them every week; we do not know the amount.

Town Clerk, functions of.

40. The Town Clerk is clerk of the peace, and clerk of indictments, at the quarter sessions.

He is the officer of the court of pleas, but, from the disuse of this court, has no actual duties as such.

He always attends the court leet, of which he is probably steward. But as the mayor always presides in this court, it was considered doubtful whether or not the town clerk attended in any other capacity than that of general law adviser of the corporation. The business of the court seems in practice to be entirely managed by him.

He, or his clerk, always attends the mayor upon inquests.

The above seem to be strictly his duties as town clerk. The following functions, which the present town clerk exercises, seem not to be necessarily connected with his situation, but would probably be always attached to the office.

He is clerk to the justices for the town and parish.

He is treasurer of the borough rate.

He is clerk to the committee of the new markets.

The following functions do not seem to be such as might probably be expected to be attached to the office of town clerk, but it was thought that the town clerk owed his appointment to the several situations mentioned, to his connection with the corporation.

The present town clerk is clerk to the trustees of the poor. There are 28 trustees, of whom the mayor and three of the jurats are four.

He is clerk to the Commissioners under the Pavement Acts, which situation three town clerks in succession have held. The mayor and three of the jurats are commissioners.

He is solicitor to the Gas Company.

He is clerk to the lower Medway Company.

He is clerk to the Land and Assessed Taxes.

He is clerk to the county justices for the district. The corporation seems to have no interest whatever in the last four situations.

We are quite unable to furnish any estimate of the emoluments of the office of town clerk. He has no salary. He sends in an annual professional bill to the corporation for the business done by him as town clerk. It was thought that this account might probably amount to about 40*l.* He has fees upon admissions to the freedom, which were mentioned in section 29. We have no means of estimating the average amount of these in a year. The amount of his bill on an election of common councilmen was given in section 27. We do not know what the average amount is upon elections to this office. He has a fee of one shilling from every person sworn into office at the court leet; the amount of these must be very trifling. As treasurer of the borough rate, he has a salary of 20*l.* As clerk to the committee of the new markets, he sends in a professional bill. His annual bill, as clerk to the trustees of the poor, upon an average of the last seven years, amounts to 299*l.* 2*s.* 9*d.*

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The office of town clerk is considered a very desirable situation, more from the professional advantages to which it is likely to lead, through the connection with the corporation, than from the emoluments derived directly from that body.

Chamberlain, functions of.

41. The Chamberlain is the treasurer of the corporation; as such, he receives the whole income, and defrays the expenditure of the corporation. He receives the rents, which he collects as they become due.

He attends the court leet, and receives the fines from those who refuse to serve the offices of constable and borsholder, mentioned in sections 25 and 26.

The tradesmen's bills are sent in to the mayor, and he gives an order to the chamberlain to pay them. This is considered a sufficient authority for payments of any kind.

The accounts are made up from Michaelmas to Michaelmas. They are not regularly audited; the accounts sometimes go on for several years without being audited. If no new chamberlain be appointed by the new mayor, the chamberlain carries on the balance to the next year's accounts: if a new chamberlain be appointed, the former one transfers any balance to him.

The chamberlain's salary is 2*l*. He has no other emoluments.

Water Bailiff, functions of.

42. The Water Bailiff at present exercises no duties whatever. While the court of conservancy was in operation, the water bailiff acted as the officer of it, in seizing illegal nets, and preventing injuries to the fishery and banks of the river.

The salary is 2*l*., but it seems not to have been received for a great number of years.

Crier, functions of.

43. The Crier attends upon the mayor at the different courts, and on other occasions of ceremony. He has a salary of 8*l*. 8*s*. from the corporation. He also receives 10*l*. out of the borough rate, for keeping clean the court hall.

Constable, functions of.

44. Besides the usual duties of peace officer, the Constable summons the leet jury, and the juries for inquests within the parish. He is also required to attend the courts of burghmote. The constable has the usual fees upon warrants; he and the borsholders collect the essoin penny for the court leet, which amounts to about 25*s*. for each in the year. He is allowed from 2*s*. to 3*s*. for every time he is called upon to attend at burghmote courts; from what source this is derived seems to have been a matter of some doubt. It appears not to have been paid since the institution of the borough-rate. He receives a fee from each publican on giving him notice of the licensing day: the amount of these is about 40*s*. in the year. The amount of emoluments is very trifling.

Borsholders, functions of.

45. The Borsholders are considered to be under the control of the constable, and have the same duties and emoluments as the latter, with the exception of those relating to the summoning of juries, and giving notice to the publicans.

Freemen, privileges of.

46. The Freemen at present have no privilege of exclusive trading within the town, though such an one seems to have existed down to about the year 1782.

They have no exemption from tolls.

They have the privilege of sending their sons to a grammar-school free of expense, as to such departments of education as have not been introduced within recent times.

Previously to the Reform Act, they had the exclusive privilege of voting for Members of Parliament for the town.

They, in common with all the inhabitants, are exempted from serving on county juries.

Jurisdiction of Corporation.

47. The Corporation possesses jurisdiction by,

1st. The Court of Quarter Sessions.
2d. The Court Leet.
3d. The Petty Sessions.
4th. The Court of Pleas.
5th. The Court of Conservancy.
6th. The Pie Poudre Court.

Court of Quarter Sessions.

The Court of Quarter Sessions has exclusive jurisdiction over all trespasses and misdemeanors arising within the town and parish. This seems not to include that part of the River Medway within the water limits which is out of the parish. Felonies are not cognizable by this court. For these the borough magistrates commit for the county sessions or assizes. The sessions are not held regularly every quarter; if there be no case for trial, they are not proclaimed. Within the last 30 years, instances have been known of only one session being holden in the year. There are now three sessions holden in the year on the average; all the justices, including the recorder, attend. The town clerk attends as clerk of the peace and of indictments. It was not known how the grand jury are selected. They are probably taken in rotation from some list, as we understood from a person, who had served more than once, that he always found the same persons serving with him. They are, we believe, taken from the higher class of tradespeople; 23 or 24 are summoned each sessions. The turn to serve comes round about once in three years. It was believed that the petty jury are chosen by ballot at the town clerk's office, from a lower grade of tradespeople; 24 are summoned at each sessions. Both juries are summoned by the serjeants at mace. The grand jury make presentments of any nuisances in the town, such as sewers, bridges, or houses in a dangerous state. These are generally brought to their notice by some one of their own body

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who happens to know of them; all the jury then inspect them, and on their return to court present them. The nuisance is generally abated after notice of the presentment. No instance is known of any steps having been taken to compel an abatement. The magistrates usually refer the matter to the committee under the Paving Acts. We are not able to furnish any account of the number of offences, convictions or transportations in a year. We sent a blank form for these to the town-clerk for the purpose of being filled up, but he returned it to us, with a note, stating that, after the order of the court of burghmote, he must beg to decline all communication on the matters of the Commission. We understood that one transportation had taken place during the year 1833. Appeals are very rarely tried; counsel have sometimes attended: when none are present, attornies act as advocates. We do not know what the costs of a prosecution usually amount to. There was a prosecution seven or eight years ago, the expenses of which were 400*l.*; they were paid out of the poor-rate, the borough-rate not having been instituted.

Court Leet.

The Court Leet is held usually in October, before the mayor and justices. This court is not mentioned in any charter after that of Elizabeth. The town clerk attends as officer of the court, and conducts the business; he is probably steward. The jury are summoned by the constable. No list is furnished to him; he summons whomsoever he thinks proper. One person, who had served as constable, informed us that he made out a list of persons who had served the office of constable or borsholder, or had paid the fine for refusal, and summoned them. His reason for selecting such persons was, that he might not, by taking a person who had not served as constable, nor paid the fine, appear to favour such persons. As it is not usual for the jury to present one of themselves for constable or borsholder, a person summoned on the jury escapes all risk of being presented for either of those offices. This system of leaving the selection of the jury to the discretion of the constable seems to be very objectionable, though we did not hear any complaints of favouritism having been exercised. The leet jury occasionally present nuisances; the same mode is adopted as was mentioned in the account of the grand jury of the quarter sessions. At the last court leet a presentment was made of some improper practices of one of the beadles. There is no instance known of the court inflicting a penalty. The manner of presenting persons to serve the office of constable and borsholder was described in sections 25 and 26. The constable and borsholder, if present, are sworn into office at the court leet. Every officer sworn there pays a fee of one shilling to the town clerk.

Petty Sessions.

The Petty Sessions are held at the town-hall twice in the week, and on other days if necessary. The mayor always attends, but a second justice not always, unless intimation be given to him that his presence is necessary. The clerk of the town-clerk usually attends as clerk to the magistrates. It seemed to be generally agreed that the number of magistrates was not sufficient for the increased population of the town.

Court of Pleas.

The jurisdiction of the Court of Pleas extends over several towns and parishes; these are set out in the charter, and are, besides Maidstone, East Farleigh, Barmynge, Looze, Boxley, Allington, Milhale, Newhyth, Linton and Otham. The reason of this extension is stated in the charter to be, that the part of the River Medway, which is within the liberties, flows through these places, and that the town and parish extend themselves promiscuously by, through, and beyond, certain of them. The court is proclaimed every alternate Tuesday at the town-hall by the mayor. We were informed that, 50 years ago, it was customary to proclaim the court through the streets of the town. The court seems to have jurisdiction in all pleas of land, and actions real, personal, and mixed, within the parish of Maidstone, but to have jurisdiction only in actions personal and mixed, and in replevin, in the other parishes mentioned. This seems to be the probable construction of the charter, but the expressions made use of are somewhat equivocal. The town-clerk is the officer of the court; the serjeants at mace are the officers to whom the process is directed. The court seems to have fallen entirely into disuse; no arrest is known to have taken place since the year 1778, and nothing is known of the practice of the court.

Courts of Conservancy.

Nothing is known respecting the practice of the Court of Conservancy; the object of it was to preserve the banks of the river and the fishery. The water bailiff was the officer of the court, and used to seize illegal nets by its authority. The court has not been holden within the last 30 years.

Pie Poudre Court.

The Pie Poudre Court, attached to the markets and fairs by the last and earlier charters, is quite obsolete.

Police.

Besides the Constable and Borsholders already mentioned, provision is made for the Police of the town by Act of Parliament. The watching of the town is under the Act 59 Geo. III. c. xvi. In this Act provision is made for the paving, cleansing and lighting the streets of the town, for supplying the inhabitants with water, and for watching the town and making public wharfs. The other Acts for paving, cleansing and lighting, as also for repairing the highway, are 31 Geo. III. c. 62, 36 Geo. III. c. 66, and 42 Geo. III. c. 90. The lighting of the town is effected under the Act 4 Geo. IV. c. xl. There are the same commissioners for administering all the Acts. The commissioners are the Members of Parliament for the county and town, the mayor, recorder and justices of the town, the lord of the manor of Maidstone, and every inhabitant possessed of a real estate within the parish of the rent of 10*l.*, or rated to the poor at 15*l.* Under the Act 59 Geo. III. c. xvi., the commissioners are annually to elect a committee of seven, in whom all the powers of the Act are vested, four of whom are a quorum. A meeting of the committee is held every three weeks,

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weeks, and oftener if necessary; five or six usually attend. The maximum rate allowed by the Act is 2*s.* 6*d.* in the pound, for paving, lighting, watching and supplying water, and 6*d.* in the pound for repairing the highways. The former rate extends only to property within three-quarters of a mile from the town-hall, the latter rate to the whole parish. The assessment is made upon the poor-rate, which is supposed to be upon about one-half of the real value. The rate of 2*s.* 6*d.* is made upon the occupiers of property, except in cases of houses let at rents not exceeding 12*l.*, or unlerlet, or let out in lodgings; in the last three cases the assessment is to be upon the landlords, but the tenants' goods are made liable to a distress, and he is authorized to deduct out of his rent any rates which he may pay. Both rates are collected at the same time, and are paid into one fund; the full rate is always levied. The rate of 3*s.* in the pound produces 3,875*l.* 15*s.* 1*d.* No particular apportionments are made of this; the money is expended upon each object as it appears to be wanted. The expenses of watching have been, for each of the last few years, 312*l.* There are four watchmen and one superintendent, who are found to be quite sufficient. The town is lighted with gas by a company under the authority of the Act 4 Geo. IV. c. xl., but the expenses of this are paid out of the rate just mentioned. The committee contract with this Company for a certain number of lights; the sum at present paid under this contract is 467*l.* 1*s.* 1*d.* The rest of the collection, after the payment of the interest of the debt, is expended upon the supplying of water, and the pavements and highways; upon the latter more than the collection produced by the sixpenny rate is expended. The limits of three-quarters of a mile are now not sufficient to take in the whole of what may be called the town. Two wharfs were built under the provisions of the Act, which are leased together for 48*l.* The toll taken at them is one penny per ton for all goods placed upon them. There is a debt, which has at present increased to 14,000*l.*, for which the rates are mortgaged, and upon which interest at five per cent. is paid. There is no treasurer. The accounts are kept at a bank; a publication of them takes place every year. We were informed that the Acts were well administered, and, with the above exception as to distance, quite sufficient for all the purposes.

Court of Requests.

48. There is no Court of Requests. An attempt was made to obtain an act some years ago, but the Bill, after passing The House of Commons, was thrown out in The House of Lords.

County Court.

49. The County Court is held within a mile of the town of Maidstone, but we were informed that very little was done at it. It was thought that the higher class of attornies did not like practising in it.

Whether the Jurisdiction require extension.

50. The borough, we think, requires no extension. There is only one point, at which the population reaches beyond the jurisdiction, and this to a very slight extent. This point is nearly at the extremity of the village of Tovil; there is a row of small houses just without the borough, and also a public-house. It would, no doubt, be desirable that the constables of the borough should have jurisdiction over the whole of this village, particularly as no constable of the county is likely to be upon duty in the neighbourhood, from there being little or no population in it. Some time ago the justices of the borough appointed a constable for this village at the request of some of the principal inhabitants. The position of the boundary line would prevent a constable so appointed from being properly effective. We do not, however, think that this circumstance is sufficient to render necessary a disturbance of the present method of rating, and other parochial arrangements, of the neighbouring parish of East Farleigh. If a joint appointment of the same individual were made by the county and borough justices for the village of Tovil, all inconvenience, we think, might be obviated.

The hamlet of Loddington presents more difficulty. It is a district entirely agricultural, and contains a population not exceeding 20 or 25 persons. Only nine are assessed to the poor-rates, five being so for land only: the other four are 10*l.* householders. There is one public-house within the hamlet. The value of the whole parish, as it appears in the poor-rates books (estimated to show one-half of the real value) is 33,469*l.*; of which sum Loddington is assessed at 410*l.* only. By the account which we received from one of the two principal inhabitants of the hamlet, there appears to be little or no difference in the aggregate amount of the several rates paid in Loddington and the neighbouring parishes. The highway-rate paid in the former is higher than that in the latter, but the poor-rate is much lighter. The rent of the land lying in Loddington does not appear to be different from that which it would be if the land lay in one of the neighbouring parishes. The service on juries is much lighter in the borough, than in the county. The inhabitants of Loddington would experience very little change of circumstances by a separation from the borough; but as they contribute a somewhat greater amount of rate to the borough, than they draw from it, the inhabitants of Maidstone would object to the separation. No constable is ever appointed for Loddington, but we were told that no inconvenience had been experienced from the want of one there.

As the small parishes around Loddington join in one common poor-house, which is at a distance of some miles from Loddington, the inhabitants of the last have not to send their infirm or sick poor to a greater distance than if the hamlet formed a part of the county. We think, therefore, that Loddington may without inconvenience remain part of the borough of Maidstone, but that it would be advisable to give the county magistrates, of whom some reside within a convenient distance, a concurrent jurisdiction within it, and that some arrangements should be made for annexing it to one of the neighbouring parishes for the purposes only of police, if a constable cannot be always appropriated to it.

Borough Gaol.

51. There is at present no gaol for the borough. An agreement has been made between the justices for the county and for the borough, under which the latter commit all their prisoners

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to the county gaol. They pay one shilling a day for the maintenance of each of their prisoners confined there, which expense is defrayed out of the borough-rate. This agreement has existed for seven or eight years, before which time there was a place of confinement within the borough. The escape of a prisoner from the old borough gaol was the cause of this arrangement.

Borough Rate.

52. The borough-rate was first instituted in 1831. Considerable dissatisfaction seems to have been occasioned by it, and proceedings were instituted to try the right of the magistrates to make a rate of this kind. The expenses on both sides have been paid out of the rates. Previously to 1831, the maintenance of prisoners, and most of the charges now defrayed by the borough-rate, were paid by the trustees out of the poor-rate, upon the justices' order. The Justices now make a rate of so much in the pound as is necessary to produce the sum wanted for the borough, and this is levied by the trustees of the poor, and appears in their accounts. The sum levied for the borough-rate in the years beginning in the Aprils of 1831 and 1832, was 685*l.* 4*s.* 2*d.*, which is nearly 5*d.* in the pound; in 1833 it was 411*l.* 2*s.* 6*d.*, which is about 3*d.* in the pound. It was suggested to us that, since the borough-rate had been established, charges had been made upon it, which had previously been defrayed by the corporation, or from other sources: the principal items mentioned were, repairs to the court-hall, 147*l.* 15*s.* 4*d.*; two years' insurance of the court-hall, 6*l.* 17*s.* 3*d.*; treasurer's salary, 20*l.* We were not able to gain full information upon this point. The demands upon the poor-rate for the general purposes of the borough seem to have increased since the imposition of the borough-rate. The treasurer's accounts for one year only have been published, that ending in October 1833. The sums paid by the trustees for the purposes of the borough, for the three years previous to the town-rate being made, and for the three years following, together with the bills of the solicitor to the parish in each year, are as follows. We give the solicitor's bill of each year, because some part of it, before the rate was made, may have been for business done for the borough generally, which would now be paid out of the borough-rate. The greatest part of the bill is for business connected with the poor.

		£.	s.	d.
1827–28:	Prosecutions and maintenance of Prisoners	325	8	5
	Solicitor's bill	279	–	–
	Weights and Measures, 129*l.* 14*s.* This charge will not recur.			
	£.	604	8	5
1828–29:	Prosecutions and maintenance of Prisoners	296	14	5
	Solicitor's bill	270	10	8
	£.	567	5	1
1829–30:	Prosecutions and maintenance of Prisoners	311	12	3
	Solicitor's bill	359	15	6
	£.	671	7	9
1830–31:	Town-rate	505	5	3
	Solicitor's bill	310	18	1
	£.	816	3	4
1831–32:	Town-rate	685	4	2
	Solicitor's bill	282	18	10
	£.	968	3	0
1832–33:	Town-rate	685	4	2
	Solicitor's bill	237	3	2
	£.	922	7	4

Some allowance should probably be made in the years 1830-31 and 1831-32 for the proceedings at law mentioned above.

Poor.

53. The Acts of Parliament relating to the Poor of the parish of Maidstone are 20 Geo. III. c. 22, and 45 Geo. III. c. 118. Under the former of these, trustees are appointed to administer the Act. The trustees are, the mayor, the three senior jurats, not being justices, the churchwardens and overseers of the poor, and 24 inhabitants elected by the rate-payers at annual meetings. Eight of the trustees, in rotation, go out of office every year, and their vacancies are filled up by an election by the rate-payers. Persons may be re-elected, and frequently are so. We were informed that the political feeling, adverted to before, frequently shows itself in these elections, but more particularly in the election of officers under the Act. In almost every contest it is observed that nearly all the supporters of each person put in nomination are those of the same political opinions as himself. This may arise, not so much from a wish to make the contest a struggle between the two parties, as from the circumstance of each person's

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person's intercourse in society being in a great degree confined to those of the same political sentiments as himself. The qualification for a trustee is, the possession of a real estate within the parish rated to the poor-rate at 10*l.* or upwards, or the tenancy of an estate within the town at a rent of 10*l.* or upwards. Seven trustees are a quorum for all purposes: there is no difficulty in obtaining the number on all occasions. The business is chiefly done by about the same 12 individuals: the official trustees of the corporation do not take any prominent part. It is usual for the active trustees to form themselves into committees of three or five, to manage different departments of business. The churchwardens and overseers divide their duties by turns of one month each: some one of them always attends the meetings. The assessment is made upon about one-half of the real annual value. Generally each rate made is one of 2*s.* in the pound, sometimes 2*s.* 6*d.* The whole of the rates last year, from Easter 1832 to Easter 1833, amounted to 7*s.* in the pound. A rate of 2*s.* in the pound produces 3,340*l.* The collection last year amounted to 11,146*l.* 6*s.* 4*d.* from the rates. There were some receipts from other sources, amounting, with the former sum, to 12,872*l.* 12*s.*: the expenditure was 12,255*l.* 19*s.* 3*d.* This account includes the town-rate, collected under the order of the justices, which amounted to 685*l.* 4*s.* 2*d.* Some years ago, the lord of the manor gave the trustees some waste land for the use of the poor. It being found that the land could not be cultivated beneficially to the town, the trustees sold it for the sum of 2,200*l.*; part of it was bought by the county for the purpose of a Lunatic Asylum being built upon it. The price was considered a good one: the money was invested in the funds. By a resolution of the rate-payers at a vestry meeting, 1,700*l.* was afterwards sold out, and given towards the building of the new church within the town. By the same authority a further sum of 300*l.* was given for promoting emigration from the parish to Canada, and 200*l.* was last year subscribed to the Maidstone infirmary. The remainder of the money is still invested. We understood that there was a full attendance of rate-payers at each of the meetings; but these contributions seemed to have created some dissatisfaction in the town, more particularly the one first mentioned. The town clerk is the solicitor to the trustees.

Markets.

54. The charter of Elizabeth grants a Market, with a pie-poudre court, and other usual privileges, to be held every Thursday; this has been confirmed by the last and other charters. There were also letters patent granted in the 24th year of Geo. II. for holding a cattle market on the second Tuesday in every month. At present the markets are regulated principally by an Act passed in 5 Geo. IV. c. cix. Under the provisions of this Act the corporation were empowered to employ some of their own land, and to purchase other land, for the purpose of erecting a new market-place. A committee of ten persons is to be appointed every three years by the mayor, jurats and commonalty from amongst themselves, for carrying into execution the provisions of the Act. The qualification for such appointment is residence within the parish, and the being rated to the poor-rate at 12*l.* or upwards, or the possession of a real estate within the parish of the annual value or rent of 10*l.* or upwards. Persons are re-eligible; five are a quorum. Power is given to the mayor, jurats and commonalty to make bye-laws for the regulation of the market; these were made by the mayor, jurats and common council, as mentioned in section 30, and a copy of them is hung up in the market-place. Power is also given by the Act, to the corporation, to set apart a piece of their land for the purpose of a cattle market. In order to effect these objects, the corporation borrowed the sum of 14,700*l.*, for the repayment of which they mortgaged the tolls of the market, some property adjoining the new market-place, and one of their wharfs. None of this debt has been paid, nor has any step been taken towards the payment of it. A table of tolls, which the corporation is authorized to take, is given in a Schedule of the Act. We understand that the tolls actually demanded are lower than those in the Schedule. A table of them is hung up in the market-place. There is a fish and vegetable market every day, a butchers' market twice in the week, and a corn market once in the month. There is a penalty on persons exposing to sale any provisions in any place, not their own shop, other than the market-place. Complaints were made to us that the provision in this clause was not observed. The corn, poultry, butchers', fish and vegetable tolls were let on lease by tender at a rent of 240*l.*; this lease will expire very shortly. The cattle tolls and fair tolls were let together upon lease at a rent of 210*l.*; this lease will expire about the same time as the other. Both of these leases were granted on tender. The town clerk is clerk to the committee.

Fairs.

55. The charter of Elizabeth grants four annual Fairs, which grant is confirmed in the last charter. These are held every year at present. They are for horses and cattle principally, but all kinds of wares are exposed for sale. They are held in the same place as the cattle market. The fair tolls are let together with the cattle market tolls on lease, at a rent of 210*l.*; this lease will shortly expire.

Free School.

56. There is a Free School in the town, of which the corporation appoints the master. The corporation pays a stipend of 10*l.* in the year to him. The principal part of the endowment of the school is some land in Romney Marsh, of which the master takes the entire management. The corporation are the trustees of this and of the school. Freemen have the privilege of sending their sons to this school for classical education gratuitously, for other parts of education the master makes a charge. The present master is a graduate of one of the Universities. We understood that the school was not in a very flourishing state; this was attributed in some measure to the establishment of a proprietory school in the town.

Licenses.

57. There are, as nearly as we could ascertain, 52 licensed public-houses in the town, of which two are the property of the corporation. Thirty-eight of the remainder belong to one

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firm, all four members of which are jurats; the two senior partners are justices. We were told that this property was formed by the union of two brewing establishments, to which the present firm have added by constantly buying such licensed houses as were to be sold. Six new licenses have been granted within eight years, two of these to houses belonging to the corporation, and two others to houses the freehold or leases of which belong to the firm above mentioned. The circumstance of so many public-houses belonging to this firm, all the partners of which are in the governing body, and two of whom are justices, seems to have created a strong feeling of dissatisfaction in many of the inhabitants. No instance of partiality in the granting of licenses was substantiated before us; in fact only one specific instance was mentioned to us; but a suspicion seemed to be entertained, in several quarters, that complaints against improper conduct, in some of the houses belonging to this firm, had not been acted upon with such promptitude as would have been exhibited, had the houses in question belonged to other individuals. This suspicion seemed to have given great dissatisfaction in the respective neighbourhoods of these houses. There seemed to be no want of public-houses in the town, nor was any unequal distribution of them complained of. It was mentioned to us, that, according to the present rotation in the election of mayor, one of the junior partners in this firm would probably be mayor either next year or the year afterwards, in which case three out of the four resident magistrates would be brewers, and no licensing of public-houses could take place without the recorder's attendance. We think that the dissatisfaction alluded to may have been in a great measure caused by the influence which this brewing establishment has enabled the firm to exercise in the election of members into the common council (see section 17). All persons concurred in testifying to the individual respectability and private integrity of the members of this firm.

Revenue of Corporation.

58. The Income of the corporation we understood to be derived from the following sources: buildings, land, rent-charges, wharfs, market and fair tolls, and fines.

Buildings.

The Buildings, as we were informed, are the following:

An inn, a public-house and some stables, let separately, and producing about 400*l.* a year.

A house in Middle-row, leased in 1820 for 21 years, at the rent of 50*l.*

A shop in Middle-row, let at a rent of about 7*l.*

Wine vaults, leased in 1820 for 21 years, at the rent of 25*l.*

The site of two cottages in High-street, at present producing nothing.

Land.

The Land consists of about 7½ acres, and is supposed to be let from year to year at a rent of 18*l.* There is also a piece of land, respecting the property in which there is a dispute between the occupier and the corporation. It is not worth above 3*l.* a year. The town meadow land, on which the cattle market and fairs are held, produces nothing independently of the market and fairs.

Rent Charges.

There are some Rent-charges arising from different lands, amounting to about 9*l.* a year. There is some dispute between the corporation and the freeholder, as to another rent-charge of 10*s.*; it is not at present paid.

Wharfs.

There are three wharfs, one let in 1820 for 60 years at a rent of 45*l.*, since which time the tenant has expended 600*l.* upon it; a second, let in 1820 for 21 years at a rent of 45*l.*, the tenant undertaking to lay out upon it 500*l.* within five years; and the third, let with a warehouse from year to year at a rent of 15*l.*

Market and Fair Tolls.

The Market and Fair Tolls have been mentioned in sections 54 and 55. The tolls, from the general market for provisions, are let on a lease, which will shortly expire, at a rent of 240*l.* The tolls from the cattle market and fairs are let upon a lease, which will expire about the same time as the former, at a rent of 210*l.*

Fines.

The average annual amount of Fines taken at the court leet, is about 30*l.*; that of fines on admission into the corporation is under 20*l.*

Present value.

All the property was supposed to be let at its full value. The aggregate annual amount upon the above calculations is 1,114*l.* It was thought that the income was somewhat on the decrease, on account of the depreciation of public-house property.

Debt.

Besides the Debt of 14,700*l.* mentioned in section 54, the corporation owe a debt of 400*l.* for money borrowed in the year 1763, upon the building of the court-hall, and for which that building is mortgaged. They are also indebted to the representatives of a former town-clerk, for the balance of professional bills, in the sum of 775*l.*, which is secured on corporation bonds.

Expenditure.

We are unable to give any specific account of the annual expenditure of the corporation. The interest of the debt at five per cent. amounting to 793*l.* 15*s.* must form the largest item. The salaries of officers, as given in the preceding sections, amount to 42*l.* 4*s.* The town-clerk's annual bill was supposed to average about 40*l.* The only expenses for entertainments seem to be those of two dinners, one after the court leet, and the other on one of the quarter sessions days. At the former of these, each person pays a certain sum, and the deficiency is paid out of the corporate fund. It was thought that the expense of each of these dinners averaged about 15*l.* The other permanent expenses of the year are the insurances and rates upon the markets and other buildings, the Crown fee-farm rent of 3*l.*, allowance to the ringers 4*l.* or 5*l.*, and three other charges of the same kind: but we are unable to furnish the

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the amount of these. It was thought that the expenditure was about equal to the income. A few years ago, an audit committee found a surplus in hand of 240*l.* upon an account of several years, 200*l.* of which was applied towards reducing the bill of a former town-clerk. A quo warranto having issued against the seven last elected common councilmen to try the legality of their election, a resolution was come to by a court of burghmote, in October 1833, that the costs incurred by these persons, in defending their election, should be defrayed by the corporation.

Audit of Accounts.

The auditing of the accounts was noticed in sections 31 and 41. It is done at irregular intervals by a committee appointed for the purpose. No publication of the accounts takes place, but they have occasionally been produced at a court of burghmote. It was not known whether or not any member of the corporation would be allowed to inspect them at any other time. It was stated that the freemen knew very little, until lately, as to the state of the affairs of the corporation.

State and Prospects of the Town.

59. The Population and number of inhabited houses in the parish at four different periods, at intervals of 10 years, were as follows.

	1801.	1811.	1821.	1831.
Population - - -	8,027 *	9,443 *	12,508 *	15,387 †
Inhabited Houses - -	1,330 *	1,706 *	2,131 *	2,844 †

The number of freemen entered on the Revising Barrister's list for 1832 was 456, the number of 10*l.* householders 652; those, who have both qualifications for voting for Members, seem to be entered in both lists.

The town is in a very prosperous state; there is no want of employment. There is a demand for houses of a superior class, and many have been built since the Census of 1831. There are many cottages unoccupied, arising from the completion of public works which had been going on for several years. The only manufactory of any importance is that of paper; there are about six paper mills in the parish, employing, as it was thought, about 800 hands. There are felt, and blanket, and hop-bag manufactories, but they are of much less extent. There is considerable traffic on the river, which has been for many years gradually increasing; the annual tonnage of vessels passing through Hallington lock (which lies about two miles from Maidstone) is at present supposed to average 120,000 tons, upon which tolls are paid to the amount of about 2,600*l.* The principal merchandizes, brought up the river, are coals and timber for the supply of the neighbourhood, and also of Tunbridge, Seven Oaks, and the whole weald of Kent. A portion of the latter article is imported direct from the Baltic and America. The carriage down the river is that of fruit, hops, paper and stone.

Local Acts.

60. The following are the titles of the Local Acts of Parliament relating to the town.

20 Geo. III. c. 22. An Act for the better Government and Regulation of the Poor, in the Town and Parish of Maidstone, in the County of Kent.

31 Geo. III. c. 62. An Act for widening, improving, regulating, paving, cleansing and lighting the Streets, Lanes and other Public Passages and Places within the King's Town of Maidstone, in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone.

36 Geo. III. c. 66. An Act for enabling the Commissioners for executing an Act passed in the thirty-first year of the reign of His present Majesty, intituled, "An Act for widening, improving, regulating, paving, cleansing and lighting the Streets, Lanes and other Public Passages and Places within the King's Town of Maidstone, in the County of Kent, for removing and preventing Encroachments, Obstructions, Nuisances and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone," to raise a further sum of Money for completing the purposes of the said Act.

42 Geo. III. c. 90. (Local and Personal, Public.) An Act for altering and amending an Act passed in the thirty-first year of the reign of His present Majesty, intituled, "An Act for widening, improving, regulating, paving, cleansing and lighting the Streets, Lanes and other Public Passages and Places within the King's Town of Maidstone, in the County of Kent; for removing and preventing Encroachments,

* Marshall's "Account of the Population," p. 81, No. 385.
† Census of 1831.

MAIDSTONE.

Encroachments, Obstructions, Nuisances and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone;" and for raising a further sum of Money for completing the purposes of the said Act.

42 Geo. III. c. 94. (Local and Personal, Public.) An Act for repealing an Act passed in the thirty-second year of his present Majesty's Reign, for improving the Navigation of the River Medway from the Town of Maidstone, through the several Parishes of Maidstone, Boxley, Allington and Aylesford, in the County of Kent; and for the better and more effectually improving the Navigation of the said River.

45 Geo. III. c. 118. (Local and Personal, Public.) An Act to amend and enlarge the Powers of an Act passed in the twentieth year of his present Majesty, for the better Government and Regulation of the Poor in the Town and Parish of Maidstone, in the County of Kent.

59 Geo. III. c. xvi. (Local and Personal, Public.) An Act to enlarge the Powers of three Acts of his present Majesty, for paving, cleansing and lighting the Streets and other Public Places within the King's Town of Maidstone, in the County of Kent, and better supplying the Inhabitants with Water; and for watching the said Town, and making Public Wharfs therein.

4 Geo. IV. c. xl. (Local and Personal, Public.) An Act for lighting with Gas the Public Streets, Lanes, Passages and Places, and the Houses, Warehouses and other Buildings within the King's Town and Parish of Maidstone, in the County of Kent.

5 Geo. IV. c. cix. (Local and Personal, Public.) An Act for erecting new Market-places within the Town of Maidstone, in the County of Kent, and for the better regulating and maintaining the said Markets.

5 Geo. IV. c. cxlviii. (Local and Personal, Public.) An Act for the more effectually improving the Navigation of the River Medway from Maidstone to Halling, in the County of Kent, and to alter and enlarge the Powers of an Act of the forty-second year of his late Majesty, for improving the Navigation of the said River.

Documents.

61. We have sent with this Report copies of the following Documents.

1. The Charters of the Borough, by W. R. James, printed in 1825.
2. Petition of the Non-freemen presented to The House of Commons in 1825.
3. Pavement Account for the year ending November 1833.
4. The Account of the Treasurer of the Borough, for the year ending October 1833.
5. Abstract of the Accounts of the Trustees of the Poor, for the year ending 31st March 1833.
6. Report of the Trustees of the Poor to a Vestry Meeting of the Inhabitants, in March 1827.

T. F. Ellis, jun.

D. Maude.

REPORT

ON

THE BOROUGH OF NEWPORT,

(ISLE OF WIGHT.)

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BOROUGH OF NEWPORT.

Local Limits of the Borough.

1. THE ancient borough of Newport comprehended the whole of the chapelry of Newport (which is part of the parish of Carisbrooke), a part of the parish of St. Nicholas, called Castle Hold, and the river Medina and harbour of Cowes from the town downwards (that is nearly northwards) as far out at sea as a shoal called the Brambles, and all the land on the contiguous banks where the tide has ever flowed. Besides this, there has been added by the Boundary Bill, for Parliamentary purposes, a part of the parish of Carisbrooke into which the mass of the town runs continuously, but not the village itself of Carisbrooke. The court leet jury have, latterly at least, been in the habit of perambulating only a part of the ancient borough, excluding all that is not within the chapelry of Newport or Castle Hold. From this cause many of the inhabitants were surprised at the claim of voters to be registered, in 1832, who were occupiers of buildings on parts of the land won from the water, on the outside of the boundary usually perambulated. Some persons were not aware of the borough being in any way extended beyond the chapelry of Newport and Castle Hold; others believed that there was merely a jurisdiction which was exercised over the river and harbour by the corporation, as conservators of them;* and others believed that the borough reached only over the water part, but not over any land without the limit of the last perambulation: but some of the inhabitants certainly were aware of the existence of the extended limit. The question was warmly contested before the revising barristers in 1832 and 1833; but, on the latter occasion, the opponents of the extended limit admitted that the case was clearly made out against them. We were informed that the real boundary was explained to the Boundary Commissioners; their Report however appears to recognize only the chapelry and Castle Hold. The summary of information annexed to the Report does however mention the Medina river, Cowes harbour, and the roadstead of Cowes; and the surveyor who coloured the map appears to have known that the borough stretched for some distance at least down the river. These circumstances may account for the eagerness with which the question was discussed before the revising barristers, which was heightened by the understanding that the greater part of the voters who are occupiers in the disputed part were favourable to the candidate supposed to be supported by the corporation, and by the belief that from the nature of their tenure they were likely on future occasions to be at the command of that body.

The extreme point to seaward is at the distance of seven or eight miles from the town of Newport, and about two miles from land. At the mouth of the river lie East and West Cowes, about five miles from the town. Very little of the land, on the banks of the river and sea, is actually embraced by the boundary of the borough; but there are, within the line, some wharfs and quays which have been thrown up by the leave of the corporation.

Charter of Earl Richard de Redvers.

2. Richard de Redvers, Earl of Devon, was Lord of the Isle of Wight, in the time of King Henry the Second. At this time the island was, properly speaking, not a part of the kingdom of England. He granted a charter, not dated, "Burgensibus meis de Novo Burgo meo de Medina." By this is granted freedom from tolls and all other customs by land and sea at fairs and markets, freedom from shires and hundreds and suits therein, pasture of the Earl's lands in Parkhurst free from herbage: that all pleas belonging to the Earl (pleas of the Crown) arising within the burgh shall be therein pleaded; that none shall be amerced, save by the burgesses themselves, nor for more than thirty-pence; and that no one be made "prepositus," except such as the burgesses shall choose. There is a reservation of twelve-pence to be paid by each annually "de Messuagio suo" for all service, and by that service the burgesses shall hold their burgage in fee.

Charter of Isabella de Fortibus.

3. Isabella de Fortibus, Countess of Albemarle and Devon, was lady of the island in the time of King Edward the third; she granted a charter, without date, to the same burgesses. The grants of the last mentioned charter are repeated, the rent is changed to eighteen marks two shillings and two-pence for the whole burgh, excepting a part assigned to the chapel of the Castle of Carisbrooke, which part is the present Castle Hold; and one mark is to be annually paid in frankalmoigne to a hospital. There is also a grant of one mill, and of the moiety of another. There is a grant of all amercements arising from pleas pleaded in the borough, and of toll and custom in the borough, with power of distress, excepting the Castle Hold, and

* This belief was the more natural, from the language occasionally used by the corporation. In 1821, a meeting of the inhabitants of East and West Cowes complained of some obstructions in the harbour of Cowes, and requested the corporation, "as conservators of the river," &c. to adopt means for clearing the harbour. At a meeting of the Common Hall (not dated, but between September 1821 and May 1822) it was resolved, "That although the Corporation are conservators of the Newport river and harbour of Cowes, and, as such, have the right to prevent encroachments by individuals, yet that they do not feel themselves called upon to remove obstacles caused by the natural accumulation of sand or shoals in any part of the navigation;" and the Mayor was, by a second resolution, requested to transmit the above resolution to the chairman of the meeting.

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and saving the liberties of certain ecclesiastical foundations. For the mills and tolls and amercements, the annual reservation is eighteen marks to the lady, and two marks in frank-almoigne to the monks of Carisbrooke.

Charter of Edward the Third.

4. Edward the Third confirmed the charter of Isabella de Fortibus by a charter granted in the twenty-sixth year of his reign. The sovereignty of the island had been granted to this King by Isabella.

First Charter of Richard the Second.

5. Richard the Second, by a charter granted in the sixteenth year of his reign, confirmed the charter of Richard the Third.

Second Charter of Richard the Second.

6. The same King, by a charter granted in the seventeenth year of his reign, confirmed his first charter.

Charter of Henry the Fourth.

7. The preceding charter was confirmed by a charter granted by Henry the Fourth, in the second year of his reign.

Charter of Henry the Fifth.

8. The last-mentioned charter was confirmed by Henry the Fifth, by a charter granted in the first year of his reign.

Charter of Henry the Sixth.

9. The last-mentioned charter was confirmed by Henry the Sixth, by a charter granted in the seventeenth year of his reign.

Charter of Edward the Fourth.

10. Edward the Fourth granted a charter in the fourth year of his reign, by which he confirmed the second charter of Richard the second, without making any mention of the three intermediate charters.

Charter of Henry the Seventh.

11. Henry the Seventh confirmed the preceding charter by a charter granted in the fifth year of his reign. He further granted, for the amelioration "supradicti Novi Burgi de Medina, jam vulgariter vocati Newport," to the bailiffs, burgesses, and inhabitants of the said borough, all goods, chattels, lands and tenements of outlaws, felons, fugitives and felons de se, with forfeitures, escheats and casualties within the borough, and petty customs in all the ports and creeks of the island.

Charter of Henry the Eighth.

12. The last-mentioned charter was confirmed by a charter of Henry the Eighth, granted in the twenty-second year of his reign.

Charter of Edward the Sixth.

13. Edward the Sixth confirmed the charter last-mentioned, by a charter granted in the first year of his reign.

Customary of Edward the Sixth.

14. The same King confirmed the grant of the tolls, customs and petty customs due by the charters of Isabella de Fortibus and Henry the Eighth, by letters patent dated in the third year of his reign.

Charter of Elizabeth.

15. Queen Elizabeth confirmed the charter granted in the first year of Edward the Sixth, by a charter granted in the first year of her reign.

Charter of James the First.

16. James the First granted a charter in the fifth year of his reign. This charter declares Newport to be a free borough, and that the bailiffs, burgesses and commonalty shall be incorporated by the name of "The Mayor and Burgesses of the Borough of Newport, in the Isle of Wight." It ordains that there shall be one mayor and twenty-four chief burgesses, who are to be a common council. The mayor and twenty-three chief burgesses, or the major part, the mayor being one, have power to make bye-laws, and to ordain, for the breach of them, punishments by imprisonment or amercements, which last are granted to the corporation. The mayor is to be elected out of the chief burgesses, by the mayor and twenty-three chief burgesses, or the major part, the mayor being one, and to be sworn before the captain of the Isle of Wight, or his steward, in the chapel of the Castle of Carisbrooke: if the mayor die in office, his successor for the residue of the year is to be chosen by the chief burgesses out of themselves, and to be sworn as before. On the death or amoval of a chief burgess, (which latter may be done, on his evil carriage in his office, by the mayor and majority of the chief burgesses), the mayor and residue of the chief burgesses, or major part of them, are to elect for his successor "one other of the burgesses of the borough," who is to be sworn before the mayor. A person learned in the law is to be recorder; he is to be elected by the mayor and chief burgesses, or major part of them, the mayor being one, and is to hold office at their pleasure. The town-clerk is to be elected by the mayor and chief burgesses, or the major part of them, the mayor being one, and to hold his office at their pleasure. A court of record is to be holden every Friday, before the mayor and recorder, with jurisdiction over actions personal and mixed, within the borough. Four serjeants-at-mace are to be chosen by the mayor and chief burgesses, or the major part of them, the mayor being one, to hold office at their pleasure. The mayor, late mayor and recorder, are made justices of the peace, but are not to determine treasons, misprisions of treason, murder or felony, or any other matter touching the loss of life, or member. No other justice is to intrude. Power to take recognizances by statute merchant, and under the statute of Acton Burnell, is given; the clerk for that purpose is to be the town-clerk. The mayor is to be clerk of the market, and to set the assize of bread, beer, and other vendible victual. A gaol is granted to the corporation. There is a general confirmation of former grants, and a reservation of the accustomed rents and service.

Letters Patent of the Keepers of the Liberties of England.

17. The Keepers of the Liberty of England caused Queen Elizabeth's charter to be exemplified by Letters Patent, dated the 24th of January 1651.

18. The

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18. The Lord Protector Oliver caused Edward the Sixth's confirmation of the grant of the customs and tolls to be exemplified by Letters Patent, dated the 25th of February 1655. Letters Patent of the Lord Protector Oliver.

19. Charles the Second granted a Charter in the thirteenth year of his reign, by which the corporation is now governed; this charter declares that Castle Hold shall be included within the borough, which part had been taken out of the borough by Isabella de Fortibus. The charter contains a formal incorporation. First and Governing Charter of Charles the Second.

20. Charles the Second granted a second Charter in the thirty-sixth year of his reign; this is treated as a nullity by the corporation. It reduced the number of the aldermen to nine, that of the chief burgesses to six, and reserved a power of removing the mayor, recorder, deputy recorder, aldermen or chief burgesses, ipso facto, by the seal of the privy council. Second Charter of Charles the Second.

21. The Title of the corporation, in the governing charter, is "The Mayor, Aldermen and Chief Burgesses of the Borough of Newport, in the Isle of Wight, in the County of Southampton." Title of the Corporation.

22. The Officers mentioned in the charter, are— Officers named in the Governing Charter.

Mayor	1
Aldermen	11
Chief Burgesses	12
Recorder	1
Deputy Recorder	1
Town Clerk	1
Deputy Town Clerk	1
Serjeants-at-Mace	2

23. Officers not mentioned in the charter, are— Other Officers.

Town Warden	1
Water Bailiffs	indefinite
Harbour Master	1
Constables	indefinite
Beadle	1
Receiver of Assize Returns	1
Coal Meters	indefinite
Corn Measurers	indefinite
Measurer and Gauger	1
Gashers of Hides	none appointed now
Sealers of Leather	none appointed now
Gaoler	1

24. There are also a few Freemen or Burgesses, of whom the number is indefinite. Freemen or Burgesses.

25. The charter directs that the mayor, aldermen and chief burgesses, or the major part of them, the mayor being one, shall choose the Mayor from the aldermen; he is to be sworn in, in the chapel of the Castle of Carisbrooke, before the governor of the Isle of Wight, or his steward, or, in their absence, before the mayor and justices of the borough in the town hall. The mayor is considered to have a casting vote. The practice is to elect in the church at Newport. The junior chief burgess is first called on to sign his name under the name of that alderman whom he wishes to be mayor; then the whole of the electors are called upon, by juniority, to do the same, the mayor signing last. There is never in fact any division; the matter is arranged at a previous meeting, and the choice has, for more than sixty years, always been directed by the absolute nomination of the patron of the borough. This nomination is generally exercised by placing the same two persons, in alternate years, in the office of mayor. The partial commencement of this system may be placed at 1764, about which time the ascendancy of the family, who are the present patrons of the borough, was first established. We were informed that it was not usual to select as mayor any one who sells by retail in an open shop. The alderman who was mayor in 1830 has held the office twelve times. Of the present twelve aldermen (including the mayor), three only have served the office of mayor. Mayor, how elected.

In case of the death of a mayor, the successor is to be elected in the same way; but the election takes place in the town hall, not in the church.

There is no power of creating a deputy mayor.

The office does not appear to be an object of ambition with many persons.

There was a contest for the office of mayor in 1720, which we believe to have been the last. At that time the governor of the Isle of Wight, and the family whose descendants are the present patrons, were disputing the proprietorship of the borough. There had been repeated contests from 1699 to 1720.

26. The Aldermen are elected for life (except while they are mayors) by the mayor and majority of aldermen, from the chief burgesses. The choice is really directed by the same nomination as that of mayor, and as absolutely so. In some very recent instances, chief burgesses have been elected aldermen with a view to their being made mayors as soon as possible, but the more common practice has been to nominate the senior chief burgess. The number of eleven, besides the mayor, is now full. In 1764 the number fell as low as eight, and there were four writs of mandamus issued to compel an election. There is no modern instance of a removal. There was a resignation on March 18, 1769. Of the present twelve aldermen, including the mayor, eight are resident; one resides close to the borough, another Aldermen, how elected.

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at the distance of one mile and a half, and two are non-resident. Of these two, one is a trustee for the management of the property of the family who are patrons of the borough.

Chief Burgesses, how elected.

27. The Chief Burgesses are elected for life (or until they become aldermen), upon vacancies, from the inhabitants, by the mayor, a majority of aldermen, and majority of chief burgesses. In practice, an alderman proposes and a chief burgess seconds. This election also is made at the nomination of the patron. Six persons have been elected since the Reform Act passed, all of whom were recommended by the family which is considered to possess the patronage. The qualification of residence is fulfilled by renting a house within the borough, and paying the rates for it during one quarter, and sleeping in it forty-two nights. The number of twelve is now full. The actual number was as low as seven in 1823. There is an instance of the amoval of a chief burgess, for disrespect towards the authorities. The chief burgesses pay a guinea to the town clerk on being elected, besides the stamps. These payments have been hitherto made by the patron of the borough, except in those cases where the burgess insisted on paying for himself. The burgess also pays on his election one guinea between the two serjeants-at-mace. This has not been defrayed by the patron.

Recorder, how appointed.

28. The Crown appoints the Recorder, for life, on the mayor, aldermen and burgesses petitioning for the particular individual. He is to be learned in the law of England. The present recorder is not a barrister, but he is a doctor of laws and a peer of the realm, which, it is contended, implies acquaintance with the laws of England. Some recorders have not possessed even this title; others have been barristers, and even judges of the superior courts. The last instance of a refusal to adopt the recommendation of the corporation was in 1653. The recommendation is in fact always made at the dictation of the patron. The office was for some time filled by the patron himself. The present recorder is a trustee for managing the property of the family who were patrons of the borough. He is not an alderman or chief burgess.

Deputy Recorder, how appointed.

29. The recorder appoints his Deputy Recorder, who is to be learned in the law. The present deputy recorder is an attorney of the superior courts, as most of the deputy recorders have been. He was an alderman at the time of his appointment, and had served the office of town clerk. This last office, on his appointment as deputy recorder, he gave up, and it was given to his junior partner.* The deputy recorder is a trustee for the management of the property of the family who are patrons of the borough, and his firm have been for a great many years the advisers of the same family. The recorder, on being appointed, usually appoints for deputy recorder the person whom he finds in the office.

Town Clerk, how appointed.

30. The Town Clerk is appointed exactly as the recorder. The present town clerk has been very recently elected a burgess. For his connexion with the recorder, we refer to the preceding section. This office has been in this firm since 1749; and they have been the family solicitors of the patron for about sixty years. This firm holds almost all the appointments, in the Isle of Wight, which are commonly bestowed on that profession. Two of the three late parliamentary boroughs in the island were, till the Reform Act, in the absolute disposal of the same family; the third borough was also partly in their hands; and the firm in question acted for the family universally. The firm is connected also with almost all the local Acts in the island. A very great number of the situations thus held are places of no emolument, and great trouble. Nevertheless the union of so many in one firm, that firm having also been closely connected with an irresistible political influence, has created great dissatisfaction among many political opponents. In some quarters there certainly does exist a strong feeling against them, to which public functionaries ought not to be liable; although there appeared, not only an absence of the slightest ground for imputation of malversation in any office, but an absence of any thing like a definite suspicion of the sort. It is probable that this feeling would not have been excited, had there been no political interest at stake; but it seems highly objectionable that there should exist any circumstances, connected even collaterally with the administration of justice, upon which political antipathies can fasten.

Deputy Town Clerk.

31. The Deputy Town Clerk is appointed by the town clerk; but there is no such appointment now existing in fact. A deputy town clerk was appointed on Nov. 17, 1764.

Serjeants at Mace, how elected.

32. The Serjeants at Mace are appointed by the mayor, aldermen and chief burgesses, and they hold office during the pleasure of the same functionaries for the time being. The serjeants generally retain office for their lives; on a vacancy, the patronage is in practice considered to belong to the mayor.

Town Warden, how elected.

33. The Town Warden was appointed from the aldermen and chief burgesses, by the mayor, aldermen and chief burgesses. The last town warden served for nearly 40 years; he died in 1829; and no one has been elected to the office since his death.

Water Bailiff, how elected.

34. The Water Bailiffs are appointed by the mayor, aldermen and chief burgesses, under seal. There are now about twelve. In practice they are appointed at the recommendation of

* The Town Clerk explained to us, that this partnership was now confined to the management of estates, the Deputy Recorder having ceased to practise as an attorney or solicitor in law or equity. The general law business is conducted by another firm, consisting of the Town Clerk and the son of the Deputy Recorder. The accounts of profit and loss are not kept distinct for the two firms. The son is a partner in both firms.

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of the town clerk. They generally hold the situation for life. The office is considered rather desirable, as it protects from impressment.

Harbour Master, how appointed.

35. The Harbour Master is one of the water bailiffs. The Royal Yacht Squadron happens to frequent Cowes harbour: the commodore is the recorder of the borough, and vice-admiral of the Isle of Wight. He requested the corporation to appoint one of their water bailiffs as harbour master, and recommended an individual who was not then a water bailiff; this person was made water bailiff and harbour master in 1831, by the mayor, aldermen and chief burgesses.

Constables, how appointed.

36. Two High Constables are appointed at the time of the election of mayor. As soon as the new mayor is elected, his predecessor, the mayor for the time being, is called on to name one high constable, who is elected by the mayor, aldermen and chief burgesses; and the junior chief burgess is then called on to name the other, who is elected in the same way. The high constables are sworn in together with the mayor, at the Castle of Carisbrooke. The Petty Constables are appointed by the mayor on the selection of the town-clerk. No difficulty is found in obtaining persons to serve. The high constables are consulted as to whom they would wish to be appointed; but several constables serve for a succession of years; and it will be found, in the account of the functions, that some of the lower officers of the corporation serve always as constables. The watchmen of the commissioners for watching and paving are also sworn in as such. Some of the constables of Cowes, belonging to the hundred, are also made constables of the borough. The petty constables are sworn in at the court of Pie Poudre of the borough. There are about forty constables at present; the number has, however, been higher, especially during the war.

Beadle, how appointed.

37. The Beadle is appointed by the mayor, aldermen and chief burgesses; but it is understood that the selection is to be made by the mayor. The same person usually serves for a succession of years.

Receiver of Assize Returns.

38. The Receiver of Assize Returns is appointed during pleasure by the mayor, aldermen and chief burgesses. In fact the selection is understood to be left to the mayor.

Coal Meters, how appointed.

39. The Coal Meters are appointed by the mayor, aldermen and chief burgesses. In practice the recommendation of the coal merchants of Newport and Cowes is generally adopted.

Corn Measurers, how appointed.

40. The Corn Measurers are appointed in the same way as the coal measurers; some persons serve for both offices. There are now eight of them.

Measurer & Gauger, how appointed.

41. The Measurer and Gauger is appointed by the mayor, aldermen and chief burgesses; the selection is practically understood to be with the mayor.

Gashers of Hides and Sealers of Leather.

42. The Gashers of Hides and Sealers of Leather seem to have been appointed by the mayor, aldermen and chief burgesses; but the appointment now never takes place.

Gaoler, how appointed.

43. The Gaoler is properly an officer of the corporation; but he has been appointed by the magistrates of the borough and of the Isle of Wight jointly since 1780.

Fines.

44. No Fines have been imposed since 1709; up to that time there were fines imposed for not serving office, for non-attendance, and for speaking disrespectfully of corporate officers, and this last fine seems to have been imposed on inhabitants not members of the corporation.

Freemen, or Common Burgesses.

45. There are three sorts of Freemen or Burgesses, according to the constitution and custom of the Borough.

First, All persons who had a freehold of a whole place (about one-fifth of an acre), or half a place, within the borough, builded on, and had also a wife and household, might become free on the payment of 6*s.* 8*d.* to the use of the common box.

Secondly, Any person might become free on paying for the freedom a sum of money to be named by certain corporate functionaries. These functionaries, under the old constitution of the corporation, were the bailiffs, constables, and other eight. The sum has varied, from 13*s.* 4*d.* to 20*l.* The money seems to have gone to the bailiffs and mayor.

Among this second class should perhaps be classed apprentices, who, after service of seven years within the borough, paid a fee of 6*s.* 8*d.* for liberty to trade.

Thirdly, There is also a class of honorary freemen or burgesses.

There are now no freemen or burgesses of the first two classes. In the charter of James I. the burgesses are spoken of as being the body from whence the chief burgesses are to be selected; the charter of Charles II. directs, that they shall be taken from the inhabitants. The burgesses and freemen were called the commonalty. There are now four or five of the third class of freemen. The decline of the importance of the freemen probably was occasioned, partly by the charter of Charles, and partly by the neglect of their exclusive privileges, which will be hereafter mentioned.

Government of the Corporation.

46. The formal Government of the corporation is in the hands of the common council, consisting of the mayor, recorder, and aldermen; or of the common hall, consisting of the mayor, aldermen, and chief burgesses. The common hall is generally spoken of as the whole corporation; the burgesses or freemen being now merely nominal. The bye-laws are, by the charter of Charles II., to be made by the common council; the rest of the business is done

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by the common hall, excepting the elections, which are made either by the mayor and aldermen, or by the mayor, aldermen and chief burgesses, as already detailed. The distinction between the two assemblies is so little thought of, that the chief burgesses merely retire into another room from the rest, or a distant part of the same room, when a common council is formed.

It seems that, within a hundred years, the bye-laws were proclaimed throughout the borough; latterly, this has taken place in one instance only, in which a table of tolls was made public. No publicity of any other sort is given to the corporate proceedings: they appear in general to excite scarcely any interest out of the body, unless in the few cases in which it is suspected that something is to take place affecting the town in general. The journals, containing the proceedings, are however open to every member of the corporation, and are frequently inspected. In the corporate meetings, it is very uncommon for a division to take place. The dissent of one member, not named, to a resolution respecting a lease of some lands, is recorded in the journals of a few years back, and there was a division of nine to four (the names not being entered) in 1781, as to whether a particular application of a charitable fund was within the terms of the donation.

There are but two dissenters in the corporation: they were both elected since the passing of the Reform Bill.

Remarks on the Constitution of the Governing Body.

47. It appears to have been originally intended that the Government of the Corporation should be confined to very few persons; by the management which has been practised, it has now for many years been under the direction of a single family. So directed, the corporation has been used as a machine for confining the representation of the town to the nominees of the same family: and the parliamentary seats have been, as the inhabitants generally believe, considered as family property. But no instance of municipal malversation or negligence appears to have been permitted; and the pecuniary concerns have been a constant source of expense to the patron, unless a pecuniary value is to be assigned to the power of disposing of the seats. As far as we could trace, no unpleasant feeling was produced by this state of things, till within the last few years; latterly the discontent created by a sense of political exclusion seems to have attached itself indiscriminately to every circumstance connected with the corporation.

Mayor, Functions of.

48. The Mayor is Justice of Peace for his year of office and the year following, throughout the borough. The greater part of the ordinary business of a justice falls upon him.

He is the senior judge of the court of record, and is of the quorum there.

He is admiral of the borough, and he is now named in the commission of oyer and terminer and gaol delivery for offences committed on the high seas.

He is the judge of the court of pie poudre.

He is clerk of the market.

He sets the assize of bread, which power was actually exercised a few years back. He is the king's escheator within the borough: there are no modern instances of this function being exercised.

He is returning officer in the election of Members of Parliament for the borough. His presence is necessary at all corporate meetings. His functions, as connected with the constitutional detail of the corporation, have been already described.

He is a commissioner under the Act for the Court of Requests for the Isle of Wight.

The mayor has almost invariably been resident; but one person, who was four times mayor, resided about four miles from the borough. This mayor used to come into Newport four or five days in the week, till his health became too feeble to allow him to do so. There was then some inconvenience experienced.

The mayor pays no fee on his election. He has no salary. He is entitled to two bushels of coal from every ship which discharges in Cowes Harbour; and to fish, to the value of 1*s.* 4*d.*, from all parcels of fish brought into the town. The coal is usually brought from Cowes by persons who receive money and beer for bringing it; the expense is said to amount to double the value of the coal; so that the mayor is subjected to a loss for the purpose of maintaining the evidence of an unprofitable privilege. The privilege of taking the fish is worth nothing. He takes nothing for the affixing the corporation seal to documents sent abroad. He has no mansion house, and no allowance is made to him for the expense to which he is subjected from being expected to maintain a certain degree of hospitality, and to give relief to casual poor. It is said that the ordinary loss cannot be reckoned at less than 100*l.*

Aldermen, Functions of.

49. The Aldermen generally have no functions to perform besides those connected with the internal detail of the constitution.

The two senior aldermen are justices of the peace within the borough; if one of the two senior aldermen happen to be mayor, the alderman third in seniority is a justice of peace. One of the two aldermen, who are now justices, lives a mile and a half from the borough, and seldom acts. Sometimes no alderman has qualified as a justice.

The court of record is held before the mayor, deputy recorder, and two or more aldermen, or any three of them, whereof the mayor, recorder, or deputy recorder to be one.

The aldermen are commissioners under the Court of Requests Act for the Isle of Wight.

They have no other privileges or emoluments of any kind, except such privileges as are common to the whole corporation; for which we refer to the next Section.

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50. The Chief Burgesses are Commissioners of the Court of Requests for the Isle of Wight. Chief Burgesses, Functions of.

They have no other functions, except as connected with the constitutional detail of the corporation.

The members of the corporation were, before the Reform Act, the exclusive voters for the representation of the borough, a privilege which was exercised at the absolute dictation of the patron.

They have no emoluments of any kind, except the privileges common to the whole corporation, which include exemption from tolls, petty customs, wharfage dues and harbour dues. They are also exempt from serving on any juries, in or out of the borough. The inhabitants are exempted from serving on juries out of the borough; which exemption was recognized, at the Winchester assizes, by the court, as appears by an entry in the Journals of the corporation, of Oct. 29, 1771.

51. The Recorder is a justice of peace within the precincts of the borough. Recorder, Functions of.

He is a quorum judge of the court of record.

He is a commissioner of the court of requests for the Isle of Wight.

He is a member of the common council, although he be not a burgess.

He is entitled to a fee of five guineas at every quarter sessions. This is now never taken by him or his deputy. It formerly was taken by that one of the two who was present; if both were present, it was taken by the recorder. He has no other emoluments.

The present recorder seldom attends in Newport, though he does sometimes sit, even at the quarter sessions, and has presided there. He is often at Cowes, from his being commodore of the Yacht squadron. He there acts frequently as a justice. The present recorder is also vice-admiral of the island, but not in the character of recorder. His deputy vice-admiral is the present town-clerk.

52. For the functions of the Deputy Recorder we refer to the last section. He is of course the substitute for the recorder; but he has also, by the charter, original powers of the same sort, even when the recorder is present. He is, as deputy recorder, a quorum judge of the court of record. The present deputy recorder is in fact most commonly the acting president at quarter sessions. Deputy Recorder, Functions of.

He is, ex officio, a member of the common council.

He is expected to maintain a certain degree of hospitality: there is no doubt that it is an office of some loss.

53. The Town Clerk attends the meetings of the corporation, and enters the proceedings. Town Clerk, Functions of.

In practice he keeps the keys under which the muniments are preserved.

He is clerk to the justices of the borough; this place has always been held by the town clerk. The present town clerk is also clerk to the county justices for the Isle of Wight.

He is clerk of the peace, and of the indictments at the quarter sessions, and keeps the records of this court.

He is the prothonotary of the court of record.

He is the registrar of the court of pie poudre.

He is steward of the court leet.

He now manages the receipts and disbursements of the corporation, for which he accounts annually. Up to the death of the late town warden, he received the fines only, and made many disbursements, such as tradesmen's bills, law accounts, and the like. But there does not appear to have been any precise rule as to the nature of the disbursements to be made respectively by the town warden and the town clerk.

The present town clerk is the regular law adviser of the corporation, and this business has been attached to the office for many years. A late suit has been extremely expensive; but latterly the property has become so trifling that his emoluments from managing it must be very insignificant.

The present town clerk is a commissioner of the court of requests for the Isle of Wight, but not by virtue of his office.

He makes out the indentures of returns of Members of Parliament for the borough.

The following is the town clerk's estimate of his emoluments.

	£.	s.	d.
As clerk to the justices, on summonses, &c. about 6*s.* per week -	15	6	–
As clerk of the peace, about 4*l.* per sessions - - - - -	16	–	–
Licensing 42 ale-houses - - - - - - - - - -	10	10	–
From every other source (including salary, and fees on mayor's seals), not more than - - - - - - - - - -	7	–	–
	£. 48	16	–

He is entitled to one guinea on the election of a chief burgess, and has, till the last election, received twelve guineas from each Member of Parliament elected, out of which he has to pay 4*l.* for the indenture and stamps.

He informed us that he considered himself to be a loser by the office, inasmuch as he was obliged to be in constant attendance, to keep clerks, to prepare returns, and to bear occasional expenses of printing; and that he was expected to contribute to different charities,

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and to exercise a certain degree of hospitality. He believes that, if the full fees were taken, the office would be worth about 200*l.* per annum. He states that, up to the present time, the principal inducement to undertake the office has consisted in the influence attached to it, and the connexion which it creates. How far this is likely to be the case for the future, we do not know.

He does not practise, directly or indirectly, before the magistrates of the borough, or of the Isle of Wight, nor in the court of record; and he states that on being appointed he gave up different offices producing considerable profit.

Deputy Town Clerk, Functions of.

54. The functions of the Deputy Town Clerk would be, we presume, simply those of the town clerk himself.

Serjeants at Mace, Functions of.

55. The Serjeants at Mace attend the mayor, and carry the mace before him.

They summon juries, conjointly with the high constables, at quarter sessions.

They serve the processes and summon the juries of the court of record.

They collect all the tolls of the corporation which are not let; except that in fact the mayor's bushelage of the coals is often collected by persons about the quay.

They are petty constables of the borough, and are sworn as such at the court of pie poudre.

One of them acts as crier. It is considered that no one else but the person appointed by the corporation can act as crier.

One of them has to keep the hall clean, the other the market.

The salary to each is 2*l.* 10*s.* The other emoluments are distributed between them: we subjoin the returns of the two.

	£.	s.	d.	£.	s.	d.
Salary	2	10	–			
Money paid in lieu of Tolls formerly given to Serjeants	7	7	–			
				9	17	–
Paid for waiting on Justices' Clerk				2	12	–
Letting Boards at the Market				5	–	–
Letting of Stallage and Tolls in the Fair				4	–	–
Emoluments as Crier				17	–	–
Essoin Pence paid by Resiants not attending Leet Jury				–	10	–
Inspecting nuisances for Commissioners for Paving, &c.				5	–	–
Attending the same Commissioners				1	11	6
Paid for waiting on Clerk to Court of Requests				2	12	–
Paid by Commissioners of Highways				–	12	–
			£.	48	14	6

	£.	s.	d.
Salary (as before)	9	17	–
Collecting Tolls and Poundage	9	–	–
Tolls at the Fair	4	–	–
Essoin Pence (as before)	–	10	–
From the Corporation for keeping the Hall	4	4	–
From the Commissioners of Highways	1	11	6
From the Clerk to the Court of Requests	1	11	6
From the Clerk to the Savings' Bank	1	1	–
From the Guardians of the Poor	1	–	–
From the County Rate, as Hallkeeper	9	9	–
£.	42	4	–

The last four items in the first column, and the last five in the second, are not properly emoluments issuing from the corporation. There should be added about 10*s.* for the tolls, to which they are entitled, on fish, coals and culm. These tolls amount to half of those received by the mayor. They receive also between them one guinea on the election of every chief burgess. They receive also 1*s.* 6*d.* for every license granted; of these licenses there are 42.

Town Warden, Functions of.

56. The Town Warden was properly the treasurer of the corporation, and accounted to them for his receipts and disbursements; but he really received only the rents (see section 53), and managed only a part of the disbursements. The whole of his functions have now devolved upon the town clerk.

Water Bailiffs, Functions of.

57. The Water Bailiffs execute the office of constable on the water. This part of the duty comprehends the seizure of offenders on ship board. They present to the grand jury such nuisances as occur on the water.

Harbour Master, Functions of.

58. The Harbour Master is a water bailiff, who attends to the moorage and anchorage of vessels, compelling them to obey the regulations of the harbour. If the masters refuse to obey, he executes the order himself, calling in the assistance of a pilot, if necessary, and charging the master with the expense. He receives the harbour dues at present. These are dues levied on all vessels casting anchor in Cowes Harbour, or up the river, not being registered there. The rates are as follows.

	£.	s.	d.
British vessels, under 50 tons	–	1	4
— above 50 and under 100	–	2	6
— above 100	–	5	–
Foreign vessels double in each case.			
In 1831–2 these dues amounted to	33	4	–
The expense to the harbour master in collecting, was	20	17	–
Emoluments of harbour master	12	7	–

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These dues had not been levied for a long while; and, when the claim was revived very recently, discontent arose in several quarters. It is intended that in future the harbour master shall receive only 50 per cent. on the dues collected, and that the corporation shall take the rest.

Constables, Functions of.

59. There is nothing particular in the functions of the Constables, to distinguish them from those of other constables.

Beadle, Functions of.

60. The Beadle attends the mayor and the members of the corporation. He is always sworn as a constable. He formerly was the keeper of the pound. He collects the toll of corn; formerly this was given to his own use; he now receives 2*l.* 12*s.* in lieu of it. He is to execute the sentence of whipping when inflicted on offenders convicted in the borough courts, for which he receives 5*s.* each time.

Receiver of Assize Returns, Functions of.

61. The mayor was formerly compelled to set an assize of bread; the statute has now left this permissive, but the returns of all the corn bought and sold, with the prices, from all the corn-dealers within seven miles of the borough, are regularly made to the mayor. The present officer is the gaoler, who receives nothing for this part of his duty.

Coal Meters, Functions of.

62. The Coal Meters measure the coals brought into the borough; this is usually done in the Harbour at Cowes. The King's officers performed this office during the existence of the duty; since the repeal, it has been performed by the functionaries of the corporation. It is considered that no other person can legally measure. The remuneration is 4*d.* for every chaldron measured, which is paid by the owner.

Corn Measurers, Functions of.

63. The Corn Measurers measure the corn sold in the borough. The same claim of exclusive right to measure is said to exist, but it does not seem to be uniformly complied with. The measurers are paid by the parties employing them.

Measurer and Gauger, Functions of.

64. The Measurer and Gauger attends the mayor as Clerk of the Market, and the jury and steward of the court leet. He has, under the mayor, the custody of the standard measures, and he tries all measures of capacity within the borough. He is entitled to 4*d.* or 6*d.* for every time that he measures on the court leet days; this he never gets; but he receives 6*d.* for every weight which is brought to his house to be tried.

Gashers of Hides and Sealers of Leather, Functions of.

65. The functions of the Gashers of Hides and Sealers of Leather are quite obsolete.

Gaoler, Functions of.

66. The Gaoler is the officer of both the county and the borough. He has charge of debtors under the process of the court of record, and of offenders committed for the quarter sessions of the borough, or under sentence for felony or misdemeanors. He receives 100*l.* per annum from the county rate of the Isle of Wight. He pays, out of this sum, 60*l.* to his turnkeys.

Freemen or Burgesses, Privileges of.

67. The Freemen or Burgesses appear to have possessed no privilege beyond that of trading in the borough. Those who were free by the possession of the land and the additional qualification, were entitled to trade within the borough without further payment. The class of freemen by purchase were obliged to pay a small annual sum for the liberty; and it is considered, that an apprentice, who had served seven years within the borough, was entitled to trade, on a payment of 6*s.* 8*d.*; and probably he would be in the situation of a freeman by purchase. Whether this right still exists is disputed. The corporation published, in 1832, a notice asserting their power of exclusion. This created some excitement at the time, but, as no further steps have hitherto been taken, it is probable that the interest will not be revived unless the corporation should proceed to enforce their claim, or unless a question should arise whether those who are burgesses, in this limited sense, be not exempt from all tolls, by the ancient grants.

Jurisdiction of Corporation.

68. The criminal Jurisdiction of the Borough comprehends the quarter sessions, the petty sessions, and the court leet.

The civil jurisdiction comprehends the court of record and the court of pie poudre.

To these may be added the admiralty court.

Quarter Sessions.

The court of Quarter Sessions has exclusively the ordinary jurisdiction of courts of quarter sessions, including offences committed in Cowes Harbour. The magistrates are, the mayor, the late mayor, the recorder, the deputy recorder, and the two senior aldermen. The town clerk is clerk of the indictments and of the peace. He makes out the list of the grand and petty juries.

The grand jury consists of the classes above shopkeepers, with the addition, in some instances, of such shopkeepers as have served the office of high constable. There was some complaint made as to the manner in which the discretion had been exercised; but we could discover nothing beyond the ordinary practice of confining the performance of this duty to persons of a certain station in society. The foreman is seldom changed: for some years a dissenter has been in this situation. There are not quite enough jurymen to form two grand juries, so that the turn to serve comes round oftener than twice in the year.

The petty jury consist, in the first place, of the leet jury, which is made up of resiants within the borough, including Castle Hold, and of householders in Castle Hold. Churchwardens, overseers, and high constables, are never taken for either jury. The lists of voters for the borough now furnish the means for ascertaining the residents, a juryman being now never taken below the rank of a 10*l.* householder. The service on the petty jury comes round in

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about three years. These juries are summoned by the serjeants-at-mace jointly with the high constables. Till very recently, no one was summoned from the disputed part of the borough.

Barristers sometimes practise in this court, but it is not common, and they have, when attending, no exclusive right to the practice. The deputy recorder is most commonly the magistrate who takes the notes, sums up, and passes sentence. When he has been ill, the mayor has in one or two instances called in a barrister as assessor. The whole number of felonies tried in 1830, 1831, and 1832, was 58; the expenses of the prosecutions, including witnesses and fees, were 30*l.* 16*s.* 10*d.* There were 11 misdemeanors tried in the same time, excluding common assaults and breaches of the peace. No appeals were tried. It is usual, on account of the trouble and expense of conducting a prosecution at Winchester, to throw as many felonies as possible into the jurisdiction of this court, by committing for these quarter sessions in all cases of theft, where the property has been either stolen in the borough, or brought into it.

Petty Sessions.

The Petty Sessions are held every Saturday before the justices. The county petty sessions for the island are held at the same time and place. The town clerk is clerk to the magistrates both of the county and the borough, and the cases are called on indiscriminately, the town clerk mentioning merely to which body of magistrates the several cases belong. The town clerk generally examines the witnesses, instead of the magistrates. The business is completely public. The complaints are in the first instance almost always taken to the town clerk's office, before the matter comes on before the magistrates at petty sessions or elsewhere.

Court Leet.

The Court Leet, for the sake of convenience, is summoned to meet on the days of two of the quarter sessions. It has already been mentioned, that the jury of the court leet contains the same persons as the petty jury of the quarter sessions, excepting as many of the latter as come from Castle Hold, which district is not within the leet of the borough. The resiants are summoned by the serjeants-at-mace; those who are not jurymen are expected to pay a penny to the serjeant to make their essoigns, otherwise they are bound to attend. The jury are sworn before the steward, who is the town clerk, as judge, the serjeant proclaiming the court. The jury are adjourned over till within about a month of the proper time for the new court leet; this adjournment is made merely by an entry in the court leet book; the court does not meet. On the day to which the jury are adjourned, which is in practice ordinarily named by the jury themselves, they meet and go round the town, with the serjeants-at-mace and the measurers, and seize deficient weights. The persons, from whom the weights are taken, are directed to attend before the steward and jury, to show cause against the condemnation of their weights, and against their being amerced. The names of the jury are then called over, and the presentments are minuted and signed by them. The parties who make default, or cannot make a defence, are amerced by the jury. Fines are also set on nuisances. The 2d and 4th, or the 4th and 8th, of the jurymen on the list, are then sworn to affear, which is sometimes actually done. Resiants neglecting to attend, or persons guilty of a contempt of court, are fined by the steward. The money is paid to the corporation, who are lords of the leet; in case of resistance, it is levied by distress under the warrant of the steward. In 1832 the fines came to 1*l.* 11*s.*, which is rather a large sum, though as much as 20*l.* has been raised in this way on one occasion in which the mayor had set an assize of bread, which was not complied with. A party who is fined may remove the record by certiorari into the court above, and traverse the fact, but not the finding. Care is taken that the leet jury shall always make a circuit at fair time. As late as 1670, the jury were in the habit of formally presenting the different ordinances and customs of the borough.

Court of Record.

The Court of Record has jurisdiction over personal and mixed actions arising within the borough. An acknowledgment of a debt made within the precincts is held to give cognizance. There seems to have been at one time also a court within the borough for pleas of lands; at any rate there was a regular registration of deeds. The present court tries ejectments; but judgment is now not given, in the case of the non-appearance of the tenant in possession, without affidavit that the lease, entry, and ouster, have been acted. The judges are the mayor, recorder, deputy recorder, and two or more aldermen, or any three of the above functionaries, the mayor, recorder, or deputy recorder, being one. The town clerk is the prothonotary; the writs are directed to the serjeants-at-mace (a special bailiff being added if the plaintiff so request, the plaintiff then taking on himself the responsibility), and tested by the mayor. The process follows that of the King's Bench nearly. The court is supposed to sit on Fridays and Tuesdays; but in the first instance every capias must be tested on the Friday. The suit commences with original process by capias. The affidavit for arrest is sworn before, and filed with, the town clerk. A step may be taken every court day; so that, supposing a writ to be taken out on Thursday the 7th of November, tested on Friday the 1st of November, it might be returned on Friday the 8th of November, and a declaration *de bene esse* be delivered on the same day, with notice to appear on Tuesday the 12th of November; on which day, upon affidavit of service, judgment might be signed, and completed on Friday the 15th of November, when execution would issue. Of course this may be delayed several court days by the defendant. The ordinary time occupied by an action which is tried, supposing time to be obtained at different stages from the court, is six weeks.

In the five years beginning with	1808	there	were	102	actions.
——	1813	-	-	83	——
——	1818	-	-	27	——
——	1823	-	-	14	——
——	1828	-	-	20	——

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The very great decrease is attributed to various causes: by some, to the almost entire removal of the late military force, which was formerly quartered close to the town; by others, to the death of some old practitioners, who have been succeeded by persons less familiar with the practice; by others, to the institution of the court of requests for the whole island in 1806. The first and last of these causes we consider to have been by far the most efficacious; and with respect to the first, it may be noticed, that the power of serving process in Cowes Harbour upon debtors quitting the island, was likely to render the court a very convenient tribunal. Barristers have occasionally practised in the court; attornies are admitted, but they must have been previously admitted of the superior courts. Trials now scarcely ever occur. The last was in June 1822. In October 1813, four were tried in one day. The taxed costs of a cause, which proceeded to judgment for want of a plea in 1831, were 8*l.* 6*s.* 2*d.* The jury are chosen and summoned as the petty jury at quarter sessions, except that they are not connected with the leet.

The town clerk does not practise here, directly or indirectly. What business there is, is principally done in his office without the court sitting at all. The professional persons are by no means agreed as to the result which might follow from making the court more effective: one opinion is, that it would be very advantageous; another, that the compass from which the jurors come must be very much enlarged, perhaps even to the extent of the whole island, in order to secure a choice of jurymen free from personal connexion with the parties. The town clerk at one time proposed to the other attornies, that he should refuse to commence proceedings for clients of his own, in cases where the debt was less than 20*l.*, in order that they might have recourse to another attorney, and thus be enabled to proceed in the court of record. It was also suggested to us, that the court was not resorted to on account of the dislike to the monopoly to which we have adverted in the 30th section. For this suggestion we are convinced that there is no foundation whatever.

Court of Pie Poudre.

The mayor is the judge, and the town clerk the registrar, of the Court of Pie Poudre. It is proclaimed regularly once in the year, on the Saturday succeeding Michaelmas sessions. Saturday is always a market day. The court has jurisdiction over disputes arising at markets and fairs. The process is plaint, attachment and distringas. Once or twice proceedings have been commenced or threatened; in the autumn of 1833 a defendant was driven to settle a claim by this means. The corporation in 1832 published, together with a notice of regulations and tolls of the market, and of the claim as to exclusive trading, a notice also that a court of pie poudre would be held every market day, at one in the afternoon.

The petty constables are sworn at the court of pie poudre. How this originated we could not discover.

Court of Admiralty.

It is very long since a Court of Admiralty has been formally held by the mayor; but the books contain entries of such courts. Sometimes parties complain to the mayor respecting matters belonging to this part of his jurisdiction; he determines them orally, and the parties submit. It seems to be by virtue of this jurisdiction that he regulates the moorage or ballasting of vessels. The jurisdiction seems to be concurrent with that of the vice-admiral of the island.

Police.

The Police of the borough is superintended, partly by the numerous constables of the corporation, and partly by the commissioners acting under the local Act for paving, lighting and watching the borough, 26 Geo. III. c. 119. The constables of the corporation act when called upon, or when an emergency arises, but they do not act as watchmen. The serjeants at mace and the beadle do, however, go about the town by day. The watchmen of the commissioners are sworn as constables. The corporation are no further connected with the Act, but several of their body are commissioners. The commissioners are a limited number, which number is not always completed, of individuals possessing or receiving the profits of lands, tenements or hereditaments in the borough of the yearly value of ten pounds: this has been interpreted to mean a freehold interest. They elect into their own body upon vacancies. They have power to levy rates not exceeding one shilling in the pound in the year on occupiers. This rate is always fully taken, on nearly a rack-rent assessment; it produces rather less than 500*l.* The functions of the commissioners are to pave, repair, cleanse, light and watch, and to prevent nuisances. The lighting is effectually performed, except during part of the summer, when it is totally discontinued. It costs about 170*l.* The watching and paving are inadequately provided. The money raised is said to be quite unequal to supply the proper expenditure; and the commissioners owe a floating balance of about 500*l.* The accounts are open to general inspection, but not published. None of the district lying without the part recently perambulated by the leet jury is rated by the commissioners or furnishes qualifications. The part lying in Cowes falls under a local Act, 56 Geo. III. c. xxv., as to which we have only to remark that certain penalties are directed to be recovered before justices of the county or borough where the offence is committed, and that there is an express saving of the jurisdiction of the justices of the borough of Newport. It seems that the corporation had formerly a power of rating for municipal purposes.

Jurisdictions concurrent, or in the vicinity.

Knighten Court.

69. The Governor's Court for the Isle of Wight, which answers to the sheriff's court, is held from three weeks to three weeks in Newport before the governor's steward, who is the present deputy recorder. It is called the Knighten Court.

Court of Requests.

There is a Court of Requests for the whole island, instituted by the Statute of the 46 Geo. III. c. 66, for the recovery of debts not exceeding five pounds. The commissioners

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are the governor of the Isle of Wight, the mayor, recorder, aldermen and chief burgesses of Newport, the county justices acting for and residing in the island, and a number of individuals. The commissioners fill up the vacancies. The qualification is a real estate of 40 *l.* annual value, or a personal estate of 1,000 *l.* value, the individual being a householder within the jurisdiction of the court of requests. They have no remuneration. By a return made in 1833, it appears that 21,317 causes have been disposed of since the Act passed; the annual number has varied very little. There is an express clause in the Act saving the rights and jurisdictions of the corporation of Newport.

Vice Admiralty of the Island.

The Vice-Admiral of the island appears to have a concurrent jurisdiction with the Admiral of Newport.

Whether the local Limits of the Jurisdiction require alteration.

70. The present boundary seems to be highly unfit for municipal purposes. The town is intersected by the boundary line. It is said that no practical inconvenience arises from this; but the circumstance must clearly limit the utility of an efficient civil court, and contract the number of jurors; on this point we refer to the 68th section. The criminal jurisdiction is not embarrassed by the narrowness of the limit, as we are told: but this arises from the residence of a county magistrate in the town, which cannot always be depended upon. We think that the limits should at least comprehend the Parliamentary borough, and we should feel disposed to recommend also the addition of the village of Carisbrooke. We found scarcely any difference of opinion as to the benefit of preserving the present extended water jurisdiction of the corporation, for both criminal and civil purposes, on account of the importance of a constantly resident magistrate, with a legal adviser, being accessible for cases connected with shipping. Whether it ought to embrace any of the land about Cowes, is a more doubtful question; we should feel strongly inclined to recommend, not its abridgment, but its extension in this part also, were it not for the difficulty of suggesting any line at which to stop, if the jurisdiction is to extend at all into the town of Cowes. It is certain that the civil and criminal cases connected with the shipping frequently arise within that town, in which it is doubtful whether a magistrate can be found on an emergency, independently of the great improbability of his being provided with a legal adviser.

Gaol.

71. The present gaol was built at the joint expense of the Isle of Wight, and of the borough. A county rate is levied for the whole island, to which the inhabitants of the borough, including the corporation, contribute. There is no borough rate; the gaol is supported by this rate. It is visited by both bodies of magistrates, but principally by those of the corporation. It contains the means of separating convicted and untried prisoners, debtors and criminals, males and females, but of very little further separation. The accommodations are tolerably good, and it appears to be carefully attended to. The gaoler receives 100 *l.* per annum; he pays out of this 60 *l.* to his turnkeys. There is no matron. The chaplain receives 50 *l.* per annum; the surgeon, 25 *l.*; both are appointed by the two bodies of magistrates jointly.

There is also a lock-up house, for temporary purposes, on the soil of the corporation.

Fair.

72. There is a Fair belonging to the corporation. The tolls are taken by the serjeants to their own use; they amount to 8 *l.* or 10 *l.* in the year. The toll is two-pence for every foot of the length of the space occupied by the goods exposed.

Markets.

73. There is a Market held on every Saturday, and on every alternate Wednesday. The mayor is clerk, in which capacity he examines the articles sold. The corporation take tolls and stallage at their markets on almost every kind of article exposed to sale. A general resistance to the levying of these tolls took place some time ago. The corporation brought several actions, and in 1832 they succeeded in establishing their right to stallage, and the jury were discharged from giving a verdict on the tolls. Both are now submitted to, but there is much dissatisfaction on the subject. Great complaints are made that no table was published; this has been remedied since March 1832, at which time a large hand-bill was put forth, containing the regulations of the market. There was also a complaint that the corporation collected the tolls more scrupulously than had been done for a long time preceding the dispute, which appears to be the fact. The expense of the litigation to the corporation was about 2,500 *l.* The discontent is not diminished from the circumstance of the members of the corporation being exempt from these tolls. It is conjectured also that the political circumstances of the time when the question arose (which was towards the end of 1830) had some share in producing and exasperating the feeling of resistance.

Poor.

74. The corporation do not in any way interfere with the management of the Poor.

Patronage and School.

75. The corporation appoint the head master to the grammar school. An account of this foundation is given in the Report of the Commissioners for charities. The present master is a member of the corporation; he first became so, many years after his appointment.

There is also an opinion entertained that the corporation are entitled to appoint the minister of Newport church (which is a chapel of Carisbrooke), but the claim is not insisted on, and it appears to us to be quite unfounded.

Licenses.

76. The Licenses for public-houses are granted by the magistrates of the corporation. There are 42 of them; no new one has been granted for 120 years. The license is considered to be attached to the house; the proprietor is frequently allowed to change his house, carrying his license with him. There is only one public-house belonging to any member of the corporation; a member who died about seventeen years back was a brewer, and possessed several.

77. The

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77. The following table shows the revenue of the corporation for the three years beginning with 1830.

Funds. Revenue.

YEARS.	Rents.	Wharfage.	River.	Tolls.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	49 1 7	45 – –	26 – –	118 9 1	238 10 8
1831	7 2 6	90 – –	26 – –	94 13 –	217 15 6
1832	30 5 3	40 – –	26 – –	81 5 5	177 10 8

Rents.

The corporation have parted with nearly the whole of their landed property. An address having been presented by the principal inhabitants, stating the want of a town-hall and market-place, the corporation resolved to sell sufficient property to enable them to erect one. The reversions in which their property chiefly consisted were valued and sold, together with an allotment received in lieu of a right of common. The sum raised was 10,530 *l.*; the sales took place between 1812 and 1821. An additional sum of about 400 *l.* was paid out of the current revenue. The new building serves for a town-hall, a market-house, and for the accommodation of public meetings of different kinds. At present, the rents issue from a shop let at rack rent, and some land, which the corporation rent of their own lessee and underlet to a second lessee. In the latter case, the rent which they pay exceeds that which they receive. This has been occasioned by its being necessary for the corporation to obtain the disposal of a quay, constituting part of the property in question. There is also a lord's rent of one shilling issuing from a long outstanding lease; and a few pounds paid for encroachments, which are paid to the corporation as owners of the soil.

Wharfage.

The wharfage dues include petty customs. These are paid on all goods landed or shipped from the quay at Newport; it is asserted that in strictness they might be levied on all goods landed within the borough. The members of the corporation are exempt. They are let for 90 *l.* per annum; in the table above, the year 1831 is the only one which happens to contain two half-yearly payments. A table of these dues is hung up in the collector's house; but complaint is made that this is not sufficiently public.

River.

The corporation, as owners of the soil, let the bed of the River to a person who rents it for the sake of obtaining the right to fish.

Tolls.

An account of the Tolls has been given in the 73d section.

Dues taken by Officers.

Other sources of income disposed of by the corporation to their officers, have been mentioned in sections 48, 55 and 58.

The following table shows the expenditure for the same three years.

YEARS.	Permanent outgoings.	Payments in the nature of Salaries.	Repairs.	Charities.	Entertainments to Juries and Constables.	Entertainments to Corporation and Inhabitants.	Contingencies.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	38 10 6	36 6 –	23 3 4	46 5 –	25 19 6	290 7 –	66 11 11	527 3 3
1831	56 8 10	31 1 –	61 18 –	16 7 6	29 14 6	62 4 3	43 13 7	301 7 8
1832	45 19 6	26 5 6	27 7 4	23 10 –	25 19 6	94 10 –	31 14 10	275 6 8

We shall select the year 1830.

Permanent Outgoings.

The permanent outgoings are made up of the payments of land tax, of insurances and rates, of quit rents paid to grantees of the Crown, and of a rent paid to a lessee of the corporation, from whom, as before-mentioned, it was found necessary to take back the property leased.

Payments in the nature of Salaries.

Among the Payments in the nature of Salaries, are included 5 *l.* 5 *s.* annually given to a preacher, and 4 *l.* 10 *s.* annually bestowed on the bell-ringers. The emoluments derived by the mayor, harbour-master and serjeants-at-mace, from the receipt of dues to their own use, are not included, as they do not pass through the hands of the corporation. They have been mentioned under the proper heads.

Repairs.

The Repairs are performed on the buildings belonging to the corporation, such as the town-hall and the lock-up-house.

Charities.

The Charities do not include any sums paid by the corporation as trustees of the property bequeathed to them for charitable purposes.

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Entertainments to Juries and Constables.

The Juries and Constables are entertained by the corporation at the quarter sessions, and at the election and swearing in of the mayor.

Entertainments to Corporation and Inhabitants.

The Entertainments given to the Corporation and the Inhabitants from the funds of the corporation, have much diminished in expense. The greater part of the items which make up the above return, is for the payment of old bills. There is a single payment of 180*l.* 13*s.*

Contingencies.

We transcribe the full account of the Contingencies.

	£.	s.	d.
Mahogany book-case for town-hall	5	2	–
Book-binder's bill	1	13	–
Printer's bill, and price of a book for entries	19	6	10
Painter's bills	1	17	8
Coals for the hall	4	4	–
Paid an attorney for a prosecution	3	11	–
Present of clothes to town serjeants, when the former clothes are worn out	25	17	5
Paid to musicians, at the proclamation of His present Majesty	4	–	–
Fees to the recorder's gamekeeper, on a present of two bucks from the recorder	1	–	–
	£. 66	11	11

Apparent and actual Proportion of Revenue and Expenditure. Balances, how met.

On comparing the Revenue with the Expenditure, the balances will be found to show a deficiency in each of the three years mentioned.

	1830.			1831.			1832.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Expenditure	527	3	3	301	7	8	275	6	8
Revenue	238	10	8	217	15	6	177	10	8
Deficiency	288	12	7	83	12	2	97	16	–

The deficiency has not been produced simply by the sale of the property for the town-hall: that sale began in 1813, and was completed in 1820 or 1821. The following table shows the proportion of the revenue to the expenditure for the ten years ending in 1812, as it appeared in the town-warden's books, which comprehended only a part of either the receipts or disbursements.

		£.	s.	d.		£	s.	d.
1803.	Revenue of Corporation	134	19	8	Payments by Corporation	207	9	7
	Received from another source	72	9	11				
		£. 207	9	7				
1804.	Revenue of Corporation	134	19	8	Payments by Corporation	111	4	7½
					Balance carried forward	23	15	–½
						£. 134	19	8
1805.	Balance brought forward	23	15	–½	Payments of Corporation	168	14	1
	Revenue of Corporation	134	19	8				
	Received from another source	9	19	4½				
		£. 168	14	1				
1806.	Revenue of Corporation	134	18	8	Payments by Corporation	134	18	8
1807.	Revenue of Corporation	144	13	–	Payments by Corporation	144	13	–
1808.	Revenue of Corporation	165	7	–	Payments by Corporation	102	12	1
					Balance carried forward	62	14	11
						£. 165	7	–

		£.	s.	d.		£.	s.	d.
1809.	Balance brought forward -	62	14	11	Payments by Corporation - -	203	5	–
	Revenue of Corporation -	166	7	–	Balance carried forward - -	25	16	11
	£.	229	1	11	£.	229	1	11
1810.	Balance brought forward -	25	16	11	Payments by Corporation - -	100	12	8
	Revenue of Corporation -	156	6	–	Balance carried forward - -	81	10	3
	£.	182	2	11	£.	182	2	11
1811.	Balance brought forward -	81	10	3	Payments by Corporation - -	100	5	9
	Revenue of Corporation -	149	15	2	Balance carried forward - -	130	19	8
	£.	231	5	5	£.	231	5	5
1812.	Balance brought forward -	130	19	8	Payments by Corporation - -	216	2	1
	Revenue of Corporation -	149	15	2	Balance carried forward - -	64	12	9
	£.	280	14	10	£.	280	14	10

The revenue here consists merely of the rents; and is thus taken exclusively of the tolls, which, till the market-house was built, were received by the serjeants-at-mace and the mayor, to their own use. It is also exclusive of the fines which were received by the town clerk. The actual average income was at first estimated to us as being about 450 *l.*; but this estimate seems to have been much too high. The source of income mentioned in the revenue side in 1803 and 1805, was money bestowed by the family which had the patronage of the borough. A head of expenditure, not mentioned in these accounts, except so far as the above two items relate to it, was the sum paid for what were called corporation entertainments. But this seldom passed through the corporation accounts at all, being defrayed immediately by the same family. We are without the means of estimating the amount of these; but we find in the journals an entry of May 16, 1811, stating that the town clerk produced an account of receipts and expenditures by him of the corporation, since the year 1803, when it appeared that, in addition to the sums received by him for renewals, he had received a sum of 900 *l.* from the patron, which left a balance of 53 *l.* 16 *s.* 10½ *d.* in his hands. The whole debit side amounted to 1,565 *l.* 15 *s.*, consisting of the 900 *l.* above-mentioned, and of fines for renewals. The credit side consisted of tradesmen's bills, law bills and the like, many of the former arising from the entertainments. It will have been seen that in some years the receipts in the town warden's accounts exactly meet the expenditure: in these cases the town warden paid away all the receipts, and these not meeting the real expenditure, the deficiency was supplied by the patron, that supply not entering into the warden's account at all. Thus the corporation really spent, in almost every year, a sum much exceeding their income, and the deficiency was supplied by the patron for the time being. The patron, therefore, or the corporation, in assenting to the sale of the property for the purpose of building the town-hall and market-place, really laid upon the patron an annual expense equal to the annual profits of the capital which was parted with. It is understood that the payments from this family will be discontinued, as the interest which it takes in the borough is materially weakened by the Reform Act. The corporation income will therefore, for the future, be diminished to the amount of the income which would have resulted from the property sold. This diminution is estimated at about 200 *l.* per annum, which is much below the interest of the money raised, as some of the property produced no annual profit. Such was a right of common for sere and broken wood, for which, on an inclosure which took place about the time of the sales, a large allotment was obtained, which was immediately sold. About 200 *l.* also arose from the sale of a reversion on a building lease, which had produced no income.

Mortgage and Debt.

The whole of the corporation property is mortgaged for 2,300 *l.* in pursuance of a resolution of the 24th of July 1831. This was done to raise money for the purpose of paying the expenses of the law-suits respecting the tolls; and the expenditure will hereafter be increased by the interest, which is 4½ per cent., making 103 *l.* 10 *s.* There is also a floating debt of about 100 *l.* It is nevertheless expected that by a strict exaction of the tolls, by the abridgment of allowances formerly made to the mayor, and by a careful management of the income and expenditure, the income will produce a surplus.

Accounts, how audited.

The Accounts were formerly kept by the town warden. Since the death of the last town warden, the town clerk has kept them. They are produced to the common council every April, with the vouchers. The account is signed by the mayor. Two copies of every year's accounts are kept, one by the town clerk, one by the corporation. Besides this, the fact of the audit is minuted in the journals; but the balance is not regularly entered in these last. The town clerk usually takes upon himself to make the ordinary payments; for extraordinary cases he applies to the mayor. The only assent given by the common council appears to be the ratification of the accounts when they are passed. It seems indeed that the

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the income has not been very anxiously watched, from the certainty that it would be less than the expenditure, and that the deficiency would be defrayed. Many of the late town-warden's books are missing; and we have little doubt, from what we could learn, that they were used as waste paper.

State and Prospects of the Town.

78. The following gives a view of the population and inhabited houses of Newport for the present century.

	Population 1801.	Population 1811.	Population 1821.	Population 1831.	Inhabited Houses 1801.	Inhabited Houses 1831.
Chapelry of Newport	(a) (c) 3,585	(a) (c) 3,855	(a) (c) 4,059	(a) (b) 4,081	(e) 564	(b) 735
The whole of St. Nicholas	(a) 248	(a) 233	(a) 281	(a) (b) 317	- -	(b) 43
The Castle Hold, part of the above	- -	- -	(d) 210	(b) 237	- -	(b) 36
In the Municipal Borough, above (e)	- -	- -	4,269	4,318	- -	771

The advance of the population is thus seen to have been very slow. It is, however, said that the town is now increasing, and that, though many houses are uninhabited, many are being built. But the census of 1831 shows 56 houses uninhabited in the whole borough, and only two in the course of building. The town formerly derived much benefit from the presence of a large military force in the neighbouring barracks. This has been greatly diminished since 1825, and the effect of the withdrawal of the stimulus has been seriously felt. There is a lace manufactory close to the town, worked by water power, which employs 600 or 700 hands; there is another lace manufactory, of much less importance, at the distance of about two miles. The importance of the town depends principally upon its being a market town in the centre of the island, which is an active agricultural and grazing district. The markets are said to be somewhat injured by the existence of the tolls. But the prosperity of the town seems to be neither increasing nor diminishing materially.

There were 410 voters registered as ten-pound householders in 1832, and 15 as freemen. Of these latter, 11 appear in each list. There are two more freemen not resident within the seven miles. This excludes the honorary freemen, and comprehends only the mayor, aldermen and chief burgesses.

On account of the connexion of the borough with Cowes, we insert a table relating to the trade of Cowes.

AN ACCOUNT showing the NUMBER of VESSELS and their TONNAGE, entered Inwards, Outwards and Coastwise, with Cargoes at the Port of *Cowes*, for the Years 1811, 1812, 1813, 1830, 1831, 1832.

YEARS.	INWARDS from Foreign Ports.		OUTWARDS to Foreign Ports.		COASTWISE, INCLUDING IRELAND.				NUMBER and TONNAGES of VESSELS belonging to the Port.	
					INWARDS.		OUTWARDS.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
1811	24	3,600	17	1,900	1,762	52,860	981	24,500	141	4,230
1812	27	3,240	22	2,210	1,790	54,750	1,027	28,750	148	4,588
1813	20	3,200	25	2,610	1,892	57,560	1,109	29,725	152	4,690
1830	22	3,100	5	760	1,329	43,495	518	15,282	175	6,507
1831	20	3,050	10	1,350	1,275	42,495	453	13,570	185	6,725
1832	18	2,980	6	925	1,254	41,394	475	14,380	166	7,378
Total	131	19,170	85	9,755	9,302	292,554	4,563	126,207	967	34,118

79. We

(a) Rickman's "Comparative Account," &c. p. 235. The Return is stated to be for *Borough and Parish*; but, on comparing it with the Census of 1831, it appears to be merely for the Chapelry. The Return is also stated to be for *St. Nicholas' Castle Hold*; but, by comparing as above, it appears to be for all St. Nicholas.

(b) Census of 1831. (c) Marshall's "Account," &c. p. 28, No. 1,462.

(d) Returns shown to us at Newport.

(e) A trifling addition must be made for the part lying without the Chapelry and Castle Hold, towards the sea.

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79. We add the titles of the Local Acts. Those relating to the Isle of Wight in general, and not having any especial connexion with the borough of Newport, we have not mentioned, with the exception of that of 46 Geo. III. Local Acts.

26 Geo. III. c. 119. An Act for paving, repairing, cleansing, lighting and watching the Streets, Lanes, Ways, Passages and Places within the Borough of Newport in the Isle of Wight, and for the Removal of present, and Prevention of future, Encroachments, Nuisances and Annoyances therein.

46 Geo. III. c. 66. (Local and Personal, Public.) An Act for the more easy and speedy Recovery of Small Debts within the Isle of Wight, in the County of Southampton.

56 Geo. III. c. xxv. (Local and Personal, Public.) An Act for paving, lighting, cleansing and otherwise improving the Town of West Cowes, in the Isle of Wight, in the County of Southampton, and for establishing a Market within the said Town.

80. We have sent with this Report the following Documents. Documents.

1. A Translation of the Charter of 13 Car. II.
2. Copy of a Circular of the Secretary of State respecting Corporate Officers, with the Town Clerk's Answer.
3. Account of Dues received by the Harbour Master between October 1st, 1831, and October 1st, 1832.
4. Return of the number of Persons committed for Trial for Felonies and Misdemeanours in the years 1830, 1831 and 1832, common assaults and breaches of the peace excepted.
5. Lists of Fees at the Quarter Sessions, to which is annexed, as explanatory, a Table of Fees to be taken by the Clerks to the Justices within the County of Southampton.
6. Return of Fees at the Quarter Sessions on the acquittal of Prisoners.
7. Return made by the Town Clerk to the Under Secretary of State respectinghe Court of Record, August 1827.
8. Return made by the Town Clerk to the Under Secretary of State respecting the Court of Record, December 1828.
9. Return to the Common Law Commissioners respecting the Court of Record.
10. A Taxed Bill of Costs in the Court of Record, in an action in which execution was taken out on judgment for want of a plea.
11. Memorial in favour of preserving the full Boundary of the Borough towards Cowes, transmitted to the Commissioners by Gentlemen, Shipowners, Merchants, Agents, &c. at Cowes.
12. Gaol Regulations agreed to at a General Sessions of the Peace, 14 May 1825.
13. Account of number of Persons committed to the County Bridewell and Town Gaol, from 1814 to 1829 inclusively.
14. Copy of the Gaol and Bridewell Return for the year 1829.
15. Return respecting Gaol Fees.
16. Return made to the Secretary of State of the number of separate Sleeping Cells in the Gaol.
17. Plan of the Gaol sent to the Secretary of State.
18. Regulations respecting the Markets, made on the 12th of March 1832, and published.
19. Memoranda presented by the Town Clerk respecting the properties of the corporation.
20. Return of Receipts and Expenses for 1830, 1831, 1832.
21. Statement of Balances of the Town Warden's accounts, from 1802 to 1813 inclusively.
22. Town Clerk's Account from 1803 to 1811.
23. Schedule of Wharfage Dues.
24. Statistical Returns for 1821 and 1831.

T. F. Ellis, jun.
D. Maude.

REPORT

ON

THE BOROUGH OF NEWTOWN,

(ISLE OF WIGHT.)

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BOROUGH OF NEWTOWN.

1. THE Borough of Newtown is situate within the parish of Calbourne, and is well known and defined, being nearly insulated by branches of the River Newtown. Limits of the Borough.

2. The first Charter granted to Newtown is that of Aymar (Ademarus) Bishop of Winchester. This charter is set out by *Inspeximus* in the charter of Edward [III.]; it is dated 1256, and is a grant to the burgesses of Francheville, in the Isle of Wight, of all the liberties and free customs which his burgesses of Taunton, or any other of his burgesses of Witten, Alresforde, or Farneham, held of him. Charter of Aymar, Bishop of Winchester.

3. Edward II. granted to Edward, Earl of Chester, his son, a market on the Wednesday in every week, in his manor of Newtown, in the Isle of Wight, and a fair there to continue for three days, if they be not to the prejudice of neighbouring markets and fairs. Charter of Edward II.

4. Edward [III.] confirmed the charter of Aymar. Charter of Edward [III.]

5. Richard II. confirmed the charter of Edward [III.]. Charter of Richard II.

6. Henry V. confirmed this charter of Richard II. Charter of Henry V.

7. There is a charter, granted in the second year, either of Henry V. or Henry VI. In it the charter of Edward II. is set out by *Inspeximus*, and confirmed "by the advice and consent of the Lords spiritual and temporal in the Parliament held in the first year" of the grantor's reign. From this clause it seems probable that the charter is that of Henry VI. Charter of Henry [VI.]

8. There is also a charter of Henry VI. which sets out by *Inspeximus* the charter of Henry V.; this it confirms "by the advice and consent of the Lords spiritual and temporal in the Parliament held in the first year of his reign." Charter of Henry VI.

9. The last and Governing Charter was granted by Elizabeth. In it, the enrolments of the charter of Edward II. and of the confirmation of Henry V. are set out by inspeximus. There is an exemplification of these enrolments at the request of the mayor and burgesses. This is the only instance in any of the charters where the office of mayor is mentioned; and here it is recognized as already existing: the earliest entries of the corporation extend only as far back as 1636, so that there are no means of ascertaining at what period the office originated. The burgesses may have instituted the office, from its existence in one of the boroughs mentioned in the charter of Aymar; or probably may have considered that the common incorporation gave them a right to elect one of themselves, as their head, with this title. Governing Charter of Elizabeth.

10. The Officers at present elected are,— Officers of the Corporation.

Mayor	1
Chief Burgesses	indefinite
Common Clerk and Steward	1
Town Serjeant	1
Constable	1

11. There are no Free Burgesses at the present time. Free Burgesses.

12. The Mayor is elected annually, by the mayor and chief burgesses: there is no fixed day for the election. The mayor for the time being gives notice to all the chief burgesses resident within, or near, the borough of a meeting to be held some day, usually in the first week of October. At this meeting the mayor for the succeeding year is elected out of the chief burgesses Mayor, how elected.

NEWTOWN.

burgesses. It is not considered necessary for a majority of the existing number of chief burgesses to attend: usually from 10 to 15 do attend. The election is merely matter of form, no division amongst the electors being known to have ever occurred within modern times. No rotation is observed: the same three or four gentlemen generally serve the office. For some years it has been customary to elect a friend of each of the three patrons of the borough in succession. The nature of this patronage will be explained in the next section. The mayor is always present at the election; his presence is considered so indispensable at the annual election, that, on a mayor dying during his year of office, another mayor was elected, at a meeting specially summoned, a short time before the usual day of election, on purpose that he might preside at the latter. In 1682 the then mayor was re-elected mayor for the ensuing year, "he being out of the Island, so that he could not be present at the election of a new mayor." The mayor is not generally resident near the borough: he has always been resident within the Island. The present mayor is a Doctor of Divinity, and resides about five miles from the borough.

Chief Burgesses, how elected.

13. The Chief Burgesses are elected by the mayor and chief burgesses, from the persons having an estate, for life at least, in a burgage tenement. As the possession of this estate is a necessary qualification, the office of chief burgess continues only so long as the burgage tenant keeps his estate. In an entry in one of the corporation books, dated the 2d October 1721, it is stated, that in times past the corporation had limited themselves to a certain number of 12 burgesses, which practice at an assembly, held in 1698, had been judged to be illegal, and contrary to the constitution of the borough. That at the assembly in 1698, the mayor and burgesses present, without any good foundation, ordered, that whosoever had a freehold of land, paying rent to the borough, should have a right to be admitted and sworn a burgess; but that, by an examination of the ancient records, the burgesses had not been restrained to any limited number, and that no person had a right to be admitted a burgess without being duly elected by a majority of the burgesses present at an assembly. It is also stated, that several persons, having this qualification, had been refused admission. Since 1721, an election has been considered necessary, although for many years every person, on showing his title to one of these burgage tenements, has been elected, as a matter of course. The number of these burgage tenements is 39; the reversion in them belongs to three different families, in unequal proportions, but so divided, that any two of them have a majority over the third. Before the passing of the Reform Act, the election of Members of Parliament for the borough was solely in the holders of these burgage tenements. The tenements were therefore conveyed for a life, to some friend of the proprietor, who frequently has not been resident near the borough: in case of it being inconvenient to such person to attend to vote at elections, he has transferred his estate to some other person, nominated by the proprietor of the tenement, and the latter has been immediately elected into the corporation. The present number of chief burgesses is 23. No contest for Members of Parliament has taken place for many years: an arrangement has always been made, amongst the patrons, as to the persons to represent the borough; which may account for the present number of chief burgesses not being greater, some of the tenements being in the possession of the patrons themselves, or more than one in that of some of their friends. None of the present chief burgesses reside within the borough.

Common Clerk and Steward, how elected.

14. The Common Clerk and Steward is elected by the mayor and chief burgesses; the office is during pleasure. The election into this office is merely formal, as might be inferred from what was said in section 13. No person would be elected without either the approval of the patrons, or its being known that they were favourably inclined to the person proposed to be elected. The present common clerk is a son of one of the chief burgesses, who is the solicitor of all the patrons, and was the common clerk until the election of his son. He is an attorney, and was elected in October 1833.

Town Serjeant, how elected.

15. The Town Serjeant is elected by the mayor and chief burgesses, in the same manner as the common clerk; he holds office during pleasure. The present town serjeant is a labourer residing within the borough.

Constable, how elected.

16. The Constable is elected annually, at the same meeting as the mayor, by the mayor and chief burgesses. The election of constable is properly by the court leet: this court used to be held at the same time as the meeting for election of mayor. Since its discontinuance the constable has been elected by the corporation. The same person is generally re-elected. The present constable is a day-labourer and resides within the borough.

Free Burgesses, how elected.

17. It is not known who the Free Burgesses were, nor what qualification was requisite for their election. The oath to be taken by a free burgess is set out in one of the books, along with those of the mayor and chief burgesses. There are very few elections of free burgesses mentioned in the books; the last took place in 1701, when a chief burgess desired to relinquish his burgess-ship, which was granted, and he was at the same meeting elected and sworn a free burgess of the society. In this instance the person elected was in possession of a freehold in a burgage tenement. This qualification however would seem not to have been necessary: if this had been the case, it is not easy to account for the idea which existed in 1698, that every freeholder paying rent to the borough had a right to claim his election into the free burgesses.

18. No Fees are paid on the election of persons into the corporation. Fees.

19. Any arrangements relating to the corporation, such as resolutions in the nature of bye-laws, or orders for repairs, are made at a meeting of the mayor and chief burgesses: there have occasionally been meetings of the same body to agree upon addresses to the Crown. Governing Body.

20. The Mayor has no functions, beyond those of presiding at meetings of the corporation. He has no salary or emoluments. Mayor, functions of.

21. The Chief Burgesses have no functions, except those which have already been mentioned. Chief Burgesses, functions of.

22. The Common Clerk attends the meetings of the corporation, and enters the proceedings in the book; if any special meeting were wanted, he would be expected to take care that the proper notices and summonses were given. He also manages the funds of the corporation. He receives and pays every thing, and enters his receipts and payments in a book, which is afterwards signed by the mayor. These accounts are very small, and are sometimes carried on for several years, without being audited and signed. If any small extra disbursements were requisite for repairs, he would give the necessary order, pay the money, and mention the circumstances at the next meeting of the corporation. His functions as steward have been obsolete, since the discontinuance of the court leet. He has no salary or emoluments. Common Clerk and Steward, functions of.

23. The functions of the Town Serjeant are, to serve the notices and summonses for meetings of the corporation, and to attend the meetings as servant of the corporation. He has a salary of 5*s*. Town Serjeant, functions of.

24. The Constable has no functions beyond those of a peace officer; from the small extent of his jurisdiction, and the number of inhabitants, he is very rarely required to act. Constable, functions of.

25. The only remnant to be found of any Jurisdiction, co-extensive with the borough, is that of the court leet. The last entry of the holding of this court is dated 1683; it was held before the mayor, deputy mayor, and eight chief burgesses, with twelve inhabitants as jury. There are several presentments given; some relating to the depasturing on the common land, others to the repairs of the highways. There is also a presentment of constable and hayward. Up to this time there is a continued series of entries of the holding of the court leet, from the year 1636, the date of the earliest book in the possession of the corporation. Jurisdiction of Corporation.

26. It is almost needless to say that the Jurisdiction requires no extension. Not only does no burgess reside within the borough, but from the appearance of the houses, it is not probable that there is an inhabitant capable of exercising any municipal functions: there are probably not sufficient inhabitants of intelligence to constitute a court leet jury. Since the Reform Act the functions of the corporation have become entirely nominal, and there does not seem to be any district which could be added to the borough by which an efficient and useful corporation might be constituted. Whether the Jurisdiction requires extension.

27. The only sources of income which the corporation have, are some fee-farm rents, quit rents, and a rent received for an oyster fishery. Revenues of the Corporation.

There is a Fee-farm Rent paid to the corporation in respect of each of the burgage tenements. Fee-farm Rents.

The corporation have also four tenements leased upon lives, at small quit rents. The last fines paid on the renewal of three of these tenements were, respectively, 40*l*., 18*l*. and 12*l*. The whole amount of the fee-farm and quit rents is 4*l*. 18*s*. Quit Rents.

The rent received for the Oyster Fishery is 10*l*. This is reserved upon a lease for years. Oyster Fishery.

The principal item of Disbursements is a fee-farm rent, of 4*l*. 12*s*. 8*d*., paid to the manor of Swainston, under which the borough is held. The other items usually are, the town serjeant's salary of 5*s*., a person for attending at Winchester Assizes to answer for the mayor, 15*s*. 4*d*., and a messenger for procuring the mayor's precept, for affixing the notice of the meeting for the election of the new mayor, 5*s*. There is usually a balance against the common clerk at the end of the year, which is carried on to the following year's accounts: this generally accumulates until some repairs to the Town-hall exhaust the whole of it. The balance in the hands of the common clerk at the last meeting, in October 1833, was 59*l*. 19*s*. 4*d*. Disbursements.

NEWTOWN.
State and Prospect of the Town.

28. The population of the borough in 1831 was, males, 30; females, 38: total, 68. The houses are merely cottages, of which there are about 14. The town has at some time been considerable, as the names of the streets, the sites of which are still known, show: it was burned down by some French in the time of Richard II., previously to which time it is supposed to have been a place of great trade. The harbour formed by the River Newtown is considered to be the best in the Island.

Document sent.

29. I have sent with this Report a translation of the Governing Charter of Elizabeth.

D. Maude.

REPORT

ON

THE BOROUGH OF PETERSFIELD,

(HAMPSHIRE.)

BOROUGH OF PETERSFIELD.

Borough not Municipal.

THERE does not appear to have ever been any Municipal Corporation at Petersfield. No Royal Charter is known to have existed. There is a charter of Hawise, widow of William, Earl of Gloucester, granting to her burgesses of Petersfield resident in the borough all the liberties and free customs in the borough, which the citizens of Winchester had in their city, who were in a guild of merchants, and which liberties and free customs they were to have in a guild of merchants in Petersfield, as her husband William, Earl of Gloucester, had granted to them by his charter. There is also a charter of John, Earl of Moreton, afterwards King John, in nearly the same words. These documents are preserved in a chest in the church. There are no further traces of a corporation beyond some conveyances, by the mayor and burgesses, of land in fee-farm. In some of these conveyances there is the appointment of an attorney to enter and give possession; and one part of them seems to have been sealed "with the common seal:" these bear date about the time of James I.

Mayor, how elected.

There is a Mayor of the Borough, but he is presented and sworn at the court leet of the lord, along with the tithing men and other leet officers.

Returning Officer.

He is Returning Officer in the election of Members of Parliament for the Borough, but has no other duties whatever.

D. Maude.

REPORT

ON

THE BOROUGH OF PORTSMOUTH,

(HAMPSHIRE.)

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BOROUGH OF PORTSMOUTH.

Local Limits of the Municipal and Parliamentary Borough of Portsmouth.

1. THE Municipal Borough of Portsmouth comprehends the whole of the parish of Portsmouth and a part of the parish of Portsea, which is called the Liberty part of the parish of Portsea. The liberty is sometimes divided into the town of Portsea and the liberty of Portsea, the last name being used in a restricted sense. Besides this, it comprehends the harbour of Portsmouth, which is bounded by a line drawn across the mouth of the bay, and by the coast from thence on each side of the harbour up as high as Wimmering, Porchester and Fareham. The borough is limited, as to this latter part, by the water edge, both at high and low water, so that it varies with different states of the tide. The part of Portsea parish not comprehended within the municipal borough is called the Guildable; it has been added to the borough for Parliamentary purposes by the Reform Bill; so that the Parliamentary borough comprehends the whole parishes of Portsmouth and Portsea, besides the harbour. The part which lies on the land is laid down in the map in the Boundary Reports.

Supposed Charter of Henry I.

2. There is an entry in the Herald's books at the College of Arms, purporting to be signed by the mayor of Portsmouth, with the arms and seal of the corporation, and to be drawn up on a visitation for Hampshire in 1686. It is there stated, that by Charter of King Henry I., granted in the sixth year of his reign, the borough of Portsmouth was incorporated by the name of "Approved men of Portsmouth." No other record of this charter is now known to exist. It is never mentioned in the inspeximus of any one of the numerous charters of confirmation afterwards granted to the borough.

Charter of Richard I.

3. Richard I. granted a Charter dated the 2d of May, in the fifth year of his reign. It sets forth that the King had taken his borough of Portsmouth into his hands, and had established and granted an annual 15 days' fair, and a weekly market; and it discharges the burgesses from tolls and other imposts, from suit to the courts of the sheriff and hundred, and from numerous other services. This grant extends to them whithersoever they shall go, by sea or by land, throughout the realm. The burgesses were not to be impleaded concerning any tenement in the town, except before the King himself. They were to hold their mansions and possessions with toll, by which it seems that the right of taking toll was granted, as well as exemption from it.

Charter of John.

4. King John granted a Charter on the 5th of October, in the second year of his reign. This varies from the charter of Richard merely by enlarging the exception as to pleas concerning tenements in the town. The clause in John's charter excepts pleas before the King himself or his chief justice.

First Charter of Henry III.

5. King Henry III. granted a Charter, dated at Oxford, on the 17th day of November, in the 14th year of his reign. By this charter the borough is granted in fee farm, at a certain rent, "hominibus nostris de Portesm̃." This charter is not mentioned in the inspeximus of any subsequent charter.

Second Charter of Henry III.

6. The same King granted a second Charter, dated at Woodstock, on the 18th day of November, also in the 14th year of his reign. This appears to give no more than is given in the charter of John.

Third Charter of Henry III.

7. By a third Charter, dated the 5th of April, in the 39th year of his reign, Henry III. confirmed his own charters and those of Richard and John.

Fourth Charter of Henry III.

8. On the 4th of July, in the 40th year of his reign, Henry III. granted a fourth Charter. By this a guild of merchants was granted. Freedom from caption is granted both to person and goods, except where the person or owner shall be a security or principal debtor, or where the principal debtor shall belong to the community, and be capable of wholly or partially satisfying the debt, and the men of the guild shall fail to grant justice.*

Charter of Edward II.

9. The above charters were confirmed by a Charter of Edward II., granted on the 12th of February, in the sixth year of his reign, with the exception of the charter of Henry I. and the first and fourth charter of Henry III., no one of which is mentioned.

Charter of Edward III.

10. The charter of Edward II. was confirmed by a Charter of Edward III., granted on the 13th of October, in the 32d year of his reign.

Charter of Richard II.

11. Another Charter of confirmation was granted on the 12th of October, in the eighth year of the reign of Richard II. This charter confirms that granted in the 40th year of Henry III. (the fourth) which had been omitted in the previous charter of Edward III.

Charter of Henry IV.

12. The last charter was confirmed by a Charter granted on the 7th of February, in the second year of the reign of Henry IV.

* See Report on Southampton, section 9.

PORTSMOUTH.

Charter of Henry VI.

13. On the 15th of July, in the first year of the reign of Henry VI., another Charter of confirmation was granted by the assent of the lords spiritual and temporal, and the commonalty. In the inspeximus the charter of Edward III. is omitted, and only the third and fourth charters of Henry III. are mentioned. No notice occurs of the supposed charter of Henry I.

Charter of Edward IV.

14. The charter of Richard II. was confirmed by a Charter granted on the 21st of December, in the first year of the reign of Edward IV.

Charter of Richard III.

15. This charter was confirmed by a Charter granted on the 29th of July, in the second year of the reign of Richard III.

Charter of Henry VII.

16. The charter of Edward IV. was confirmed by a Charter granted on the 26th of January, in the fourth year of the reign of Henry VII.

Charter of Henry VIII.

17. The last charter was confirmed by a Charter granted on the first of December, in the third year of the reign of Henry VIII.

Charter of Edward VI.

18. The last charter was confirmed by a Charter granted on the 16th of May, in the fourth year of the reign of Edward VI.

First Charter of Elizabeth.

19. The last charter was confirmed by a Charter granted on the fourth of February, in the third year of the reign of Elizabeth.

Second Charter of Elizabeth.

20. On the 15th of February, in the 42d year of the reign of Queen Elizabeth, another Charter was granted to the town. This charter recites that the borough had from time immemorial been governed by a mayor, two bailiffs, two constables, and other public officers from the burgesses and inhabitants. The time, however, at which the office of mayor was first in force in Portsmouth, is supposed to be, at any rate, not earlier than the reign of Edward IV., at which time the town was probably governed by bailiffs, nor later than that of Edward VI. The corporation is incorporated by Elizabeth's second charter, by the title of Mayor and Burgesses of the Borough of Portsmouth. The successor to the mayor named in the charter is to be chosen, according to the ancient constitutions. Immediately afterwards, the charter directs that he shall be chosen by the mayor and burgesses, from the senior and principal, better and more honest burgesses. The mayor and three burgesses are to be justices within the borough; they are to be chosen annually by the mayor and burgesses from the senior and principal, better and more honest burgesses. Jurisdiction is given over felonies and misprisions, with the exception of such as touch life or limb. A non-intromittent clause is given as to justices. The burgesses and inhabitants are discharged from attending county juries, excepting, if we understand the clause correctly,* for causes arising within the borough in which the mayor or burgesses claim any privilege or exemption. Power is given to take recognizances of debt by statute merchant, and recognizances of charters touching tenements within the borough. A general confirmation of ancient charters and liberties is made, with a grant of the borough in fee farm at the ancient rent. There is a reservation of the rights of the Lord Mountjoy, governor of Portsmouth, and his successors.

State of Corporation at the time.

The method of electing the burgesses or other officers (except the mayor) does not appear in this charter. That the burgesses were not numerous appears from a circumstance pointed out to us by an inhabitant who is thoroughly acquainted with the antiquities of the corporation; that in six returns of Members to serve in Parliament, containing the names of the burgesses joining in the elections, in the fifteenth and sixteenth centuries, the greatest number named, exclusive of the mayor, is 13. The same gentleman is of opinion, that the freeholders of the borough, at the time of the charter of Elizabeth, joined with the burgesses in the election of the mayor. He considers also that the senior and principal, better and more honest burgesses, are the same as eight assistants, who appear to have formed a court of assistants to the mayor, according to the entries of the court of record in the time of Elizabeth.

Charter of Charles I.

21. On the 17th of November, in the third year of the reign of Charles I., another charter was granted to this borough. It recites the existence of former charters, specifying only those of Elizabeth. The material clauses of this charter will be detailed hereafter.

Charter of Charles II.

22. The Charter of Charles I. was surrendered to Charles II., and a new charter granted in the thirty-fourth year of his reign. This latter unites the vill of Gosport to the borough of Portsmouth. It directs that three aldermen shall be chosen for justices of the peace by the mayor, aldermen and burgesses, from those aldermen who have served the office of mayor; an alteration, as will presently be seen, from the provisions of the preceding charter. It also expressly provides that no inhabitant, who is not a burgess by the election of the mayor and aldermen, shall interfere in the elections. It contains also the clause for the removal of the officers, ipso facto, by the sign manual. There is also a grant of free passage to and from Gosport and Ryde; and liberty is granted to maintain boats for transporting any persons or goods thither and thence. No other material deviations from the preceding charter are contained in the charter of Charles II.

It was accepted and acted upon till after the Revolution. Shortly after this event it was discovered that the surrender of the charter of Charles I. had not been enrolled. As the charter

* Dummodo non sit ad proband' aliquam causam litem sive controvers' Que super terr' tenta vel hereditat' vel aliquod aliud infra eundem Burgum aut libertates vel procinct' ejusdem exoriatur sive crescat In quibus Major et Burgenses Burgi predict' nec successores sui aliquam pre ceter' ligeis nostris clament seu vindicent immunitatem vel privilegium per presentes.

charter of Charles II. set forth this surrender as part of the consideration of the new grant, the grant and acceptance were both considered to be void, from the non-enrolment of the surrender.* The charter of Charles I. was found in the possession of a private individual, from whom it was obtained; since which time it has been acted on as the governing charter.

Title of the Corporation.

23. In the governing charter of Charles I. the corporation is entitled, "The Mayor, Aldermen and Burgesses of the Borough of Portsmouth, in the County of Southampton."

Officers named in the last Charter.

24. The Officers of the corporation named in it are,—

Mayor	1	Recorder	1
Deputy Mayor	1	Common Clerk and Clerk of the Peace	1
Aldermen	12	Serjeants at Mace	2

Other Officers.

25. Other officers of the corporation are,—

Chamberlain	1	Searchers of Market	4
Coroner	1	Constables	indefinite
Town Crier	1	Measurer	1
Harbour Master	1	Hayward	1
Wharfinger	1	Cofferers	4
Water Bailiffs	2	Auditors	4

Burgesses.

26. There is an indefinite number of Burgesses; there are at present 102, including the officers.

Mayor, how elected.

27. The Mayor is elected by the mayor for the time being, aldermen, and burgesses, from two aldermen who are put in nomination; these two are either both chosen at the time of the election, or one is chosen at the time of the election, whose name is added to a name standing over in nomination from the preceding year. The form of nomination is as follows. On the day of election a meeting is held of the whole body, mayor, aldermen, and burgesses, in the town-hall; the town clerk and chamberlain retire into a room, with a list of all the aldermen; or, if there be already one in nomination, with a list of all except that one. Each individual of the body then, in succession, beginning with the junior burgess, and succeeding by juniority up to the mayor, separately retires into this room, and makes a mark opposite the names of such alderman, or aldermen, as the case may be, as he wishes to be put in nomination for mayor. When this is done, the number of marks for each alderman is declared, and the one, if there be a name standing from the preceding year, or, if not, then the two, having the greatest number of marks, are put in election, or nomination, as it is called. Each elector is then furnished with two balls, a black and a white one. The electors then proceed to an election, by each putting into a balloting-box such ball as he thinks fit, and the other into a bag: the black ball is put into the balloting-box by all who vote for the senior alderman; the white by all who vote for the junior alderman. This is done privately, so that it cannot be seen for which person any one has voted. The numbers are then announced, and the alderman having the greatest number of balls in the balloting box is declared to be elected mayor for the succeeding year.

From the early entries in the corporation books, about the year 1675, it appears that a somewhat different and more complicated mode of election was practised. After the election of mayor from two persons, who had stood over in election from the preceding year, other two persons were placed in nomination, from which two one was chosen. The one so chosen was placed in election with the person who remained in election from the last year, and was not elected mayor; and these two latter stood over in election to the following year. The practice, however, about this time, does not seem to have been uniform; for, in the year 1679, the person who stood over in election from the preceding year, and was not elected mayor, seems not to have been placed as a matter of course in election for the following year, but, previously to being so placed, to have undergone a competition with another person. The former, however, was elected: he then stood over in election for the following year, but alone. This seems to have been the first approximation to the present practice. In the year afterwards (1680), the person in election, not elected mayor, seems to have stood over in election alone, as a matter of course, in the manner now customary. But the latter practice does not seem to have been adhered to in the following years; and it was probably some time before the present practice became an invariable one. It is somewhat singular that in this election, and in this alone, the mayor has a casting vote: for this purpose four balls are given to him to use, if necessary; so that, in case of an equality of votes, he would go through the ceremony of giving another vote secretly, although it would of course be known immediately for whom such vote was given. The unsuccessful candidate stands over in election for the following year's election day. On that day one other alderman's name is added to his, by the same process as has been just described; and these two are the persons balloted for. In case of any one standing in election, his name is declared as so being in election by the town clerk. After any one has stood in election for three years, without being chosen mayor by the ballot, his name is withdrawn, and two persons are chosen in election as above. Except in this case, and in the event of the death of the person in election, it will be seen that the body have only one alderman to elect for nomination each year. There is no restriction as to

* Bully *v.* Palmer, 12 Mod. 247. reported as Butler *v.* Palmer, 1 Salk. 190.

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to non-resident aldermen or burgesses voting at this election. In the event of a mayor dying during his year of office, this method of election is not resorted to; but the aldermen alone hold a meeting, of which notice is given to each, and elect, by a majority of themselves, one of their body to be mayor for the remainder of the year. It is considered necessary that, of the charter number of 13 aldermen, including the mayor, seven should be present at both these elections; but not that a majority of the existing burgesses should be present at the former, although the words of the charter, "the greater part of them," might appear to apply equally to both bodies.* The reason assigned to us for this difference was, that the number of aldermen was defined by the charter, the number of burgesses indefinite. Of late years the election of mayor has been mere matter of form. Five only of the present aldermen are resident, and they, merely as a matter of course, succeed each other in the office of mayor by rotation. It is not considered at all an object of ambition. A fortnight before the day of election, the mayor usually calls a meeting of the aldermen, at which it is ascertained whether the alderman next in rotation has any objection to serving; if not, the latter canvasses by calling upon each resident burgess and mentioning his object, and he is now always elected. As far as we could learn, no discussion upon corporate affairs takes place between the burgesses and the person canvassing on the occasion of his calling; the call is considered a mere compliment. When it is necessary to put two persons in election, the person put with the one who has convassed is generally the senior alderman, whether resident or not. The last contest for the office of mayor was in 1812; it took place at both stages, viz., in the election of one person to stand in nomination, and in the balloting for mayor. In the former process the numbers were 22 and 12; and in the latter 24 and 10. The same person was successful on each division, having finally on the ballot a greater number of votes than the person who stood in election from the preceding year. We were informed that up to that time there had been no contest since 1775. As the mayor must preside at the election of the new mayor, and the latter must take the oaths before him, the same person cannot be elected mayor two years successively. There is a power of amoval of mayor, for any reasonable cause, given by the charter to the aldermen; but no instance is known in which this power has been exercised. The aldermen have also the power of imposing a fine upon any person refusing to act, after having been elected mayor. No instance of refusal is remembered to have occurred within modern times, though instances are found amongst the corporation entries, many years ago, of a refusal, and of a fine imposed in consequence. The mayor, in case of his illness or absence, has the power of appointing one of the aldermen to be deputy mayor during such illness or absence: this is done by merely entering the nomination in the corporation book, and by the person so appointed taking the usual oaths before the aldermen. On the mayor's recovering his health, or resuming residence, the office of deputy determines. No fees are paid on the admission as mayor.

Aldermen, how elected.

28. The Aldermen are elected for life, from the burgesses, by the mayor and aldermen. Three or four days' notice of the meeting for election is given to each alderman; if an alderman be not resident, there is usually some house, either of his agent, or of some of his relatives within the borough, where such notice is given. To make a valid election, seven aldermen, including the mayor, must necessarily be present. The mayor has no casting vote; in case of an equality of votes, a new election must be made. This was determined in 1690: an entry of that date states that a question had arisen on the point; it then declares that the mayor has no casting vote in any election but that of mayor. A burgess may be elected alderman, though non-resident at the time.† It is not considered necessary to keep up the full number of aldermen; at present there are 10 aldermen, including the mayor. No order, as to seniority of burgesses, is observed in electing aldermen: a person is frequently chosen burgess, in order merely to his being elected an alderman. Residence is not required of the aldermen by the corporation. In the year 1824, a rule was applied for to the Court of King's Bench, for a mandamus to the mayor and aldermen, to compel them to consider of the propriety of removing certain non-resident aldermen; but as no case of public inconvenience was alleged, the court refused the application. Of the present ten aldermen, five only are resident: one of these five indeed does not live within the borough, but, as his residence is only just without the boundary, and as he has a house of business, which causes him to be daily within it, we have considered him as resident. Of the present 10 aldermen, four are of the same name, and near relations; two more are nearly related to some of the above; and a seventh is also distantly related to some one or more of them: five of the seven are non-residents. One of these gentlemen is member for the borough, and has been so since 1816: he was an alderman at the time when he was first elected. The expenses of being elected alderman, caused by the fee to the town clerk, and gratuity to some of the corporation servants, amounts to about 2*l.* 7*s.* 6*d.* The selection of aldermen was, previously to the Reform Act, avowedly made on political considerations.

Justices, how elected.

29. Three of the aldermen are elected annually to be justices of the peace, with the mayor, late mayor and recorder, who are Justices by virtue of their office: the election is by the mayor, aldermen and burgesses. After the election of mayor, the members of the corporation again retire, as before, into the council chamber; and upon a list of all the aldermen, except the mayor and mayor elect, every member makes a mark opposite to each of three names. The

* This question was agitated, but not determined, in a case respecting the borough of Portsmouth, in the case of R. *v.* Monday. 2 Cowper's R. 530.

† This point was discussed in R. *v.* Monday. 2 Cowper's R. 530.

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The number of marks to each name is declared, and the three aldermen, who have the majority, are sworn as magistrates of the borough. No rotation is observed as to the persons to be elected, nor is any inquiry made as to their willingness to act. At present, however, there are only three resident aldermen, exclusive of the mayor and mayor elect; and from this cause no choice can be exercised, the mayor and mayor elect being also magistrates. There was a contest at the election of the justices in 1812: the numbers were 29, 23, 23, 13, 13, 1. There has been only one instance of a non-resident alderman being elected a justice of the peace; his residence was near enough to enable him to attend, when his presence was particularly wanted.

Recorder, how elected.

30. The Recorder is elected by a meeting composed of the mayor and majority of the aldermen. The office is for life. He is not required to be a burgess, though it is usual to make him so, soon after his election to the recordership. The practice has usually been to elect the senior barrister of the Winchester sessions, practising in London. He is not expected to resign on leaving the sessions; some years ago, a gentleman continued to hold the situation for a short time after he became a judge of the common pleas. This method of election is considered advisable, as it prevents all suspicion of political opinions influencing the choice.

No contest for this office is recollected.

The present recorder was elected in 1829. The fees upon admission to the recordership are,—

	£.	s.	d.
Town Clerk - - - - - - -	1	1	–
Stamp and parchment - - - - -	3	3	6
Serjeants at Mace - - - - -	1	1	–
Crier - - - - - - -	–	5	–
£.	5	10	6

The governing body generally direct these fees, as well as the fees on the recorder's admission as a burgess, to be paid out of the corporate funds.

Town Clerk, how elected.

31. The Town Clerk is elected precisely in the same manner as the recorder. The office is for "so long as he shall well conduct himself." He need not necessarily be a burgess; the person at present filling the office is a burgess, and the son of an alderman, who was an alderman at the time of the election. He was elected burgess in the year 1819, at the age of 22, and town clerk in the year 1820. The town clerk has always been an attorney: he pays no fees on election. The father of the present town clerk is also an attorney, but is not in partnership with his son in this, or any other business.

Serjeants at Mace, how elected.

32. The Serjeants at Mace are appointed by the mayor on the day on which he is sworn into office. Their office is for a year, but they are generally reappointed. They are not burgesses.

Chamberlain, how elected.

33. The Chamberlain is elected by an assembly of the mayor, and major part of the aldermen. His office is an annual one, though it is usual to re-elect him. The present chamberlain has held the office 10 years. He is not required to be a burgess: the present chamberlain was a burgess when elected: he is a banker.

Coroner, how elected.

34. The Coroner is elected in the same manner, and for the same time, as the chamberlain: he need not be a burgess. It has always, at least of late years, been usual to elect the town clerk, coroner. The office of coroner is not mentioned in the charter. His appointment of coroner for the borough is understood to exist by prescription; and is found as early as 1660.

Town Crier, how elected.

35. The Town Crier is appointed annually by the mayor and aldermen. The same person is generally reappointed. The present crier is not a burgess.

Harbour Master, how elected.

36. The Harbour Master is appointed under seal by the mayor. His office is for a year only, but the same person is generally reappointed. The present harbour master has held the office 25 years. This office is prescriptive, and is not mentioned in the charter. The present harbour master is not a burgess. The office is usually filled by persons conversant with maritime matters, and is so in the present instance.

Wharfinger, how elected.

37. The Wharfinger is elected by the mayor and majority of the aldermen: his office is during pleasure. The present wharfinger is not a burgess; he has held the office nearly 10 years.

Water Bailiffs, how elected.

38. The Water Bailiffs are appointed by the mayor: their office is for a year, but the same persons are generally reappointed. The present water bailiffs have held the office several years: they are not burgesses.

Searchers of Market, how elected.

39. The Searchers of Market are appointed by the mayor and other magistrates: the former suggests the names of such persons as he thinks proper. The magistrates usually assent to the names so proposed to them: if any magistrate were to object to any of them, the mayor would withdraw such name and propose another. The same persons are generally reappointed: they are usually constables.

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40. The High Constable is appointed by the magistrates at the quarter sessions. The ordinary Constables are appointed in the same manner as the searchers of market, by the mayor and magistrates. There is no uniform number: part of them are sworn in for the parish of Portsmouth, and the remainder for the liberty. The appointment and swearing in take place on the day the mayor is sworn in: it seems probable, however, that the appointment of constables, searchers of market, measurer and hayward, formerly took place at the court leet.

Measurer, how elected.

41. The Measurer is appointed by the mayor and magistrates in the same manner as the searchers of market.

Hayward, how elected.

42. The appointment of the Hayward is the same as that of the measurer.

Cofferers, how elected.

43. The Cofferers are elected annually by the mayor and aldermen. They consist always of the ex-mayor and the three aldermen, who are elected justices of the peace. By the earliest entries in the corporation books, the practice seems to have been invariable of swearing in the same persons to both offices; but we are not aware whether or not the corporation consider themselves bound by this custom. In the later entries no mention is made of their election, but merely of their taking the oaths as cofferers.

Auditors, how elected.

44. The Auditors are elected and sworn in the same manner as the cofferers. They also are the same persons as the above mentioned justices and cofferers. The remarks made upon the office of cofferers are equally applicable to the auditors.

Fines and Fees.

45. No Fines have been imposed since the Revolution for refusing to serve any office; nor do any officers pay fees on admission, except the recorder and aldermen.

Burgesses, how elected.

46. The Burgesses are elected by the mayor and majority of aldermen, at a meeting summoned for that purpose. It is considered necessary, that the notice given of the meeting to the aldermen should specify the number, although it need not specify the names, of the burgesses proposed to be elected: the number elected must not exceed the specified number, although it may fall short of it. At such meeting, any alderman may propose a person for burgess: on the proposition being seconded, the sense of the aldermen is ascertained: no division is come to. If there is a difference of opinion from any of the aldermen objecting to the person proposed, his name is withdrawn. Such we understand to be the practice at present.

On the day of election of mayor, the retiring mayor has the privilege of proposing, without previous notice, one person to be burgess. The election of this person takes place by the mayor and majority of aldermen in the same way as the election of other burgesses; but, in practice, it is not usual to make any objection to his admission into the corporation. The assent of the aldermen is considered as nearly a matter of course in compliment to the mayor, though one instance is remembered, and more may have occurred, in which the person so proposed has been rejected. This person, when elected, is termed the mayor's peremptory burgess. The burgesses, like the aldermen, have always, until the passing of the Reform Act, been elected with a view to their supporting the political opinions of a particular party; and care has been apparently taken that there should not be too numerous a body even of the predominant party. There is no qualification necessary for being a burgess; residence is not required. The present number of burgesses is, exclusively of the mayor and aldermen, 92: of whom 46 were elected in January last. Of the 46 elected before January last, eight only are resident within the limits of the municipal borough, one within the Parliamentary borough, and one within seven miles of the town. Fifty were in point of fact elected in January last, but 46 only have been sworn in. Of these 46 all are resident, except one, who lives at Gosport, but has a house of business within the town of Portsmouth. There is no bye-law which enjoins residence in the burgesses; the following entry, however, seems to show that at one time the duties of burgess were more than nominal. It is dated September 1700; and after stating, that many burgesses, notwithstanding their oaths, had not come to the mayor's courts, and had otherwise neglected their duties, it ordained, in order that the rights of the burgesses might not be prejudiced, that any burgess to be admitted in future should pay 5*l.* to the chamberlain, or should oblige himself by oath to attend all the mayor's courts and assemblies on reasonable warning; it then inserts words in the oath to be taken. There is a provision that this condition is not to extend to any peremptory burgess. This distinction is not recognized at present. By an entry of 1697, it appears that a constitution had been made in 1694, ordaining that every son of any present or future alderman should be appointed a burgess on attaining the age of 21 years. The entry of 1697 repeals so much of this as relates to future aldermen, and confines it to the then present aldermen.

The fees payable on admission as burgess are as follows:

	£.	s.	d.
Stamp	3	–	–
Town Clerk	1	1	–
Serjeants at Mace	1	1	–
Crier	–	5	–
Parchment	–	3	–
£.	5	10	–

It has been usual for the corporation, on the admission of persons as burgesses, to whom the freedom has been given as a compliment, to pay their fees out of the corporate funds. In

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January last, on the election of 46 burgesses, the mayor and aldermen directed the stamp duty of each to be paid out of the corporate fund. The reason assigned to us for this was the wish of the mayor and aldermen to induce the persons elected to perfect their admission. We were assured that political considerations were not attended to in the selection of these persons: and as this was the first step taken by the ruling body towards an impartial admission of the inhabitants into the corporation, they probably wished to make it still more acceptable to them, although the offer was not made until the Reform Act had deprived the office of one of its highest privileges. We ought to mention that of the 46 new burgesses elected in January none had voted at the last election for Members of Parliament against the alderman, who is one of the members, and only two against the other candidate who was supported by the corporation. Both of these gentlemen advocated what are commonly called Whig principles; the third and unsuccessful candidate was understood to profess what are termed Radical opinions.

Governing Body.

47. The whole management of the affairs of the corporation is in the hands of the mayor and aldermen. They alone give orders for the disposal of the corporate funds, for the sale of property, granting of leases, &c. They have also the power of making bye-laws, which they seldom exercise; the last bye-law was passed in 1814, and related to a bond to be given by the chamberlain on his election. It is considered doubtful, whether or not the burgesses have the right of inspecting the corporation books: at all events it has never been the practice for them to do so. The only regular business in which the burgesses take a part is in the election of mayor and magistrates. On occasion of presentation of petitions, or addresses to the King or Houses of Parliament, it has been usual to summon an assembly of the whole corporation, in which the burgesses are included.

Remarks on the Constitution of the Borough.

48. It can hardly be necessary to point out the complete closeness of this system: for a long series of years it has been exercised with the undisguised purpose of confining the whole municipal and political power to a particular party, and almost to a particular family, and has been found perfectly efficacious in its operation. That no instances can be traced of municipal corruption seems attributable, not to any correcting principle in the system, but merely to the absence of evil intentions in those who have accidentally been placed at its head.

Mayor, functions of.

49. The mayor is a Justice of the Peace within the borough during his year of office, and also during the year following. He acts as such at the quarter and petty sessions. The charter requires that he should always be present at the former. The greater part of the ordinary justice business devolves upon him. He also presides in the borough court of record; no court can be held without the presence either of the mayor or the recorder. He also presides at the courts leet. He would also hold a court of pie poudre at the fair, if any were necessary. No instance is known of such court ever having been held. He is, by charter, Clerk of the Market, but as such performs no duty whatever. The markets are now superintended entirely by the leet juries. By the charter, he is made responsible for the care of the gaol; he appoints the gaoler.

He affixes the corporation seal to all documents, for the purpose of authentication in foreign courts. Besides these duties, there are those which we have already adverted to, of presiding at all corporate meetings for the election of persons into the corporation. He is not an auditor; but in practice it is usual for the chamberlain to send in his accounts to the mayor in the first instance; and he, as well as the auditors, frequently examines such accounts with the vouchers. He has a share in the appointment to vacancies among the scholars of the grammar school, in the manner hereafter mentioned (Sec. 75). The mayor, recorder and aldermen are commissioners under the Act 49 Geo. III. c. cxc., which regulates the intercourse between the main land and the Isle of Wight. He has no salary beyond an allowance of 12*l.*, intended to defray some trifling expenses, such as postages, &c. This sum of 12*l.* was fixed some time ago, in lieu of the capon money, which was reserved for the mayor's expenses. The nature of this payment of capon money will be explained below; it is now paid into the general fund. He has no other emoluments whatever: all fees paid on affixing the corporate seal go into the general fund. He incurs scarcely any expenses as mayor; no hospitality is expected of him. He has no mansion house. The corporate feasts are considered as given by the corporation, and the expenses of them are entirely defrayed by the common fund. Up to 1671, it appears that perquisites or allowances of some value came to the mayor's hands; for by a constitution of that year it was ordered, that in future all such should be paid to the chamberlain in aid of the town stock, and that the mayor's usual expenses, to the amount of 300*l.*, should be paid out of the stock.

Deputy Mayor.

The Deputy Mayor, during his time of office as deputy mayor, has, by the charter, all the same powers, privileges and duties as the mayor. He holds courts of record as quorum judge when necessary.

Aldermen, functions of.

50. The aldermen are all Judges of the Court of Record, although they cannot act as such without the mayor or recorder. Some inconvenience has been occasionally experienced from the want of attendance of aldermen at the court of record. They also attend the court leet. They have no other functions beyond those before mentioned in the elections and other details of the corporation. They are commissioners under the Act 49 Geo. III. c. cxc., which regulates the intercourse between the main land and the Isle of Wight.

Justices, functions of.

51. Four of the aldermen, including the ex-mayor, as has been noticed, are Justices of the Peace, and exercise all the duties belonging to that office; as such, they preside at the quarter sessions along with the recorder.

It seemed to be generally agreed, that the number of magistrates for the borough was

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insufficient, considering its present population. At the time when the governing charter was granted, almost the whole population was included within the parish of Portsmouth; since that time it has increased many fold, and has extended itself far beyond the parish. Some instances of inconvenience caused by the want of magistrates were mentioned to us, but they were not sufficient to prove any thing more than what might accidentally have taken place with a larger number of magistrates. We think however it would be an advantage to the inhabitants if all the aldermen were justices: if this were the case, and all of them were residents, the business of the borough by proper arrangement might be easily administered. Notwithstanding the dissatisfaction which the closeness and exclusiveness of the corporation had caused amongst the inhabitants generally, we did not find that there was any want of confidence in the magistrates, or any complaint of the manner in which they had performed their duties in the administration of justice.

Recorder, functions of.

52. The recorder is a Justice of the Peace. His principal duty in practice is the attending at the quarter sessions. The present recorder is in the habit of attending the sessions regularly, having rarely been absent since his election. He is also a quorum judge of the court of record; but, not being resident, he seldom or never attends, unless some trial happens to take place during the time of his being within the town for the purpose of presiding at the quarter sessions. He is a commissioner under the Act of 49 Geo. III. c. cxc., which regulates the intercourse between the main land and the Isle of Wight. His salary is 15 guineas for each sessions; he has no travelling expenses allowed. We were told that no inconvenience is experienced from his residing in London.

Town Clerk, functions of.

53. The town clerk, or, as he is called in the charter, Common Clerk of the Peace, is Clerk in the Borough Courts.

In the Court of Record he issues the process, taxes costs, and acts generally as prothonotary.

In the Court of Quarter Sessions he is Clerk of the Peace and of Indictments.

In the Court Leet he draws up the presentments.

In the corporation meetings at the Guildhall he enters the proceedings.

He is usually clerk to the magistrates in petty sessions.

He is considered the attorney and solicitor of the corporation.

He is usually, though not invariably, coroner within the borough. The present town clerk holds both offices.

He collects the fines due to the borough on judgments in the borough court of quarter sessions, and manages also some petty disbursements, for which he presents an annual bill to the corporation.

The salary of the town clerk is 10*l.* per annum. Besides this, he has fees on the election of persons into the corporation, viz.

	£.	s.	d.
Upon the election of an Alderman	1	1	–
Burgess	1	1	–
Recorder	1	1	–
Upon the election of Members of Parliament for the Borough he has usually received	5	5	–

We are unable to present a complete account of the town clerk's office, as he was very seriously ill while we were at Portsmouth. His father, who is an attorney, and an alderman of the borough, investigated his books for three years, and came to the following estimate as to his annual emoluments, on an average taken upon the three years 1830, 1831 and 1832.

	£.	s.	d.
As Clerk of the Peace	49	10	11
As Prothonotary of the Court of Record	94	10	11
As the corporation officer for entering proceedings, admitting into office, and making returns to Parliament	15	17	4
As Clerk to the Justices	293	13	–
As Coroner	51	13	4
Annual Bill, including 10*l.* salary	12	6	7
£.	517	12	1

Serjeants at Mace, functions of.

54. The duties of Serjeants at Mace are, to attend as officers at the court of record and court leet, to serve all process, execute all summonses and precepts, summon the juries of the court of record and grand and petty juries of the quarter sessions, and serve the notices of corporate meetings. They also collect the fair tolls, and rents of standings in the butchers' markets; these they pay over to the chamberlain. The senior serjeant at mace has a salary of 10*l.*; the junior has none.

They have also fees upon each process they execute; 2*s.* 6*d.* for each summons; the same on each writ; 4*s.* 6*d.* for each Fi. Fa. and Ca. Sa. These fees they do not divide equally, but it is customary for each serjeant to receive the fees upon the process which he executes. The average of these fees for the last three years received

By the senior serjeant, is about £. 32

By the junior 19.

The junior serjeant has also 6*d.* in the pound upon the rents of the butchers' markets collected, averaging about 15*s.* or 20*s.*; and 2*l.* 10*s.* for collecting the fair tolls; also 5*l.* 13*s.* upon the license certificates which he carries round to the publicans.

They

They have also fees upon the election of persons into the corporation, which however until lately have seldom occurred. On the recent election of 46 burgesses, each of them received 24*l.* 3*s.* The average emoluments of each, exclusive of the burgesses' fees, are as follows:—

Senior serjeant, about - - - - - -	£. 32
Junior - - - - - - - - - -	25

Chamberlain, functions of.

55. The Chamberlain is the treasurer of the corporation, through whose hands nearly the whole of the income and disbursements passes.

He usually employs the crier to collect the small rents for him; but the latter is merely his servant for this purpose, and he himself is responsible for the rents collected. He collects all the rents and receives the dividends on stock. The tolls also are paid over to him by the collectors of them; the wharfage tolls by the wharfinger; harbour dues by the harbour master; market tolls by the crier; and standings by the serjeants at mace. He is not considered responsible for any of the tolls which it is the duty of these officers to collect, beyond the amount actually paid over to him. He is in the habit of inspecting the wharfinger's books twice in a year, but his accounts are only passed at the end of each year. The chamberlain does not consider himself authorized to make any regulations as to the collection, or enforcement, of the tolls, although the wharfinger usually has recourse to him in any difficulty; in such a case he refers to the mayor and aldermen, and communicates their decision to the wharfinger. It is however his duty to inquire into the mode and quantum of toll collected, and to ask for the reasons of any deficiency, and to check one year's amount by that of another. On being satisfied of the correctness, he passes the accounts, and enters them in his own book. He has the same superintendence over the other collectors of tolls, and is the sole auditor of their accounts. Each of these officers may have some disbursements to make in his department; in trifling items the chamberlain undertakes to give him authority for these; if the items are large, or are not usual items of course, the chamberlain either refers him to the mayor and aldermen, or himself applies, and communicates their decision.

When all these accounts for the year ending at Michaelmas are passed, the chamberlain enters them in his own book in the following manner. The wharfage dues are not entered by him, in the final account of receipts, for their gross amount, but for the net balance which remains, after allowing himself and the wharfinger their several percentages. The balance arising from all the remaining receipts, except the dividends, on the one side, and the whole expenditure of the corporation, except his own percentage on the dividends, on the other, is the next item in the final account. Lastly, he debits himself in the final account with the dividends, and credits himself with his percentage on them. If any balance remain from the former year, this forms another item in the final account, and so does any sum arising from the sale of corporation property. The several balances which make up this final account are entered with the items composing them separately. In this account, as is seen, are included the disbursements and expenses of the corporation; nearly the whole of these are defrayed by the chamberlain, upon orders signed by the mayor and two or more of the auditors (or cofferers). Some few items in the disbursements occur every year, as a matter of course, and are invariable, such as officers' salaries, taxes, quit-rent to the Crown: these the chamberlain is in the habit of paying without any previous order. In case of any repairs being ordered by the select body, the chamberlain gives orders for and superintends the repairs, and when the bills are sent in, he submits them to the mayor and auditors, and they sign them, upon which the chamberlain pays the money; in all other cases a formal order is drawn up and signed by the mayor and auditors. Any balance at the end of the year remains in the hands of the chamberlain, and he debits himself with it in the following year's accounts: there is no instance in the present chamberlain's book of the balance being in his favour; his book of accounts is expected to be ready for examination on Lady-day, the account being made up to the previous Michaelmas. A second book, or paper, being an abstract of the year's account, is also made up by the chamberlain. Before Lady-day the books, along with all the vouchers, are sent to the mayor, in order to their being examined by him, if he thinks fit, previously to their being passed to the auditors. The mayor does not invariably examine the books with the vouchers. The chamberlain receives 5*l.* per cent. upon the gross amount of all sums, of whatever kind, received by the corporation, exclusive of all expenses or deductions. He has no other emoluments.

Coroner, functions of.

56. The Coroner has an exclusive jurisdiction within the borough on land. The Admiralty coroner claims a concurrent jurisdiction on all ships in the harbour; this claim, though not formally admitted by the corporation, is tacitly acquiesced in. During the office of the last town clerk the claim was never asserted, but this the Admiralty coroner accounts for by representing it as arising from personal feelings of friendship to the former gentleman. Since the town clerk's death the claim has been made. Some time ago, on a death by violence on shore of one of the convicts belonging to a convict ship in the harbour, an inquest was held on board the ship by the Admiralty coroner; a verdict of suicide was returned. The body was afterwards brought on shore, and an inquest held on it by the borough coroner; the verdict returned was wilful murder against a particular person; on further investigation, however, two persons were found to have been the murderers, and they were tried at Winchester and executed. In case of a verdict by the Admiralty coroner's jury passing against any one for murder or manslaughter, it seems doubtful what steps would be taken by the coroner, as it is considered that he would have no right to commit to the county prison, nor could he return his inquisition into the assize court. Some dispute as to the Admiralty jurisdiction seems to have arisen about the year 1736, as appears by the case of Rex *v.* Solgard, reported in Strange's

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Strange's Reports, II. 1097, and Andrews's Reports, 231. In that instance the borough coroner was refused admittance into a King's ship, where he claimed to hold an inquest on a sailor who had hanged himself. An information was afterwards moved for in the King's Bench, which was granted, upon the ground that, supposing the Admiralty coroner to have jurisdiction within the harbour (which was a point not decided), still the borough coroner had at all events a concurrent jurisdiction, and as the former had not held an inquest, the latter had clearly a right to do so. This seems to be the way in which the practice is now arranged: in case of any death within the harbour the borough coroner acts, unless he finds the Admiralty coroner has previously done so: if the latter has held an inquest, he does not hold one. The juries are summoned by the borough coroner from the borough generally, without any restriction as to parish. The juries of the Admiralty inquest, we were told, were chiefly composed of the watermen employed about the harbour. Some dissatisfaction was expressed to us at the offices of town clerk and coroner being united in the same person, as, from the latter office being annual, the corporation obtained a greater control over the town clerk. An instance was mentioned, where a threat was supposed to have been used by the corporation of taking the office of coroner from the town clerk, on account of his having supported a candidate for the borough representation who was opposed by the corporation. We do not, however, think that much advantage would be gained by a separation of the offices. It may admit of considerable doubt whether or not it is advisable to make the office of coroner an annual one; if this were a permanent office, held during good conduct, we think it would be well attached to the office of town clerk. We are not aware of any means by which a close corporation can be prevented from influencing its officers. We do not find that any threat was seriously made. Much of the suspicion in the above instance, as well as in most other cases, seems to have been excited in the minds of the inhabitants from the strong feelings of jealousy and dissatisfaction at the closeness of the corporation system. The fee is one guinea upon each inquest.

Town Crier, functions of.

57. The functions of the Town Crier are those usually exercised by such officer.

He also collects the market tolls.

He is employed by the chamberlain to collect some small rents, for which he is paid by the chamberlain.

His emoluments are, a salary of 10*l.*; a donation usually given him by the corporation of 5*l.*; and 6*s.* 8*d.* in the pound upon the money collected. These tolls have produced to the corporation in the last three years an average income of 93*l.*

Harbour Master.

58. The duties of the Harbour Master are, to see that the vessels are properly moored and anchored. His jurisdiction is confined to merchant vessels; the King's ships are under the superintendence of a King's harbour master.

He also collects all the harbour dues, groundage, anchorage, and bushelage. The nature of these dues will be mentioned in the account of the income of the corporation.

His emoluments are 15*s.* in the pound upon the amount collected, averaging from 50*l.* to 60*l.* a year.

Wharfinger, functions of.

59. The functions of the Wharfinger are, to superintend the arrangement of the vessels at the quay, and to take cognizance of all goods shipped or unloaded.

He collects the wharfage dues payable upon the latter. These dues will be specified in the account of the income. From the nature of his office there are no means of checking his receipts.

His emoluments are 10*l.* per cent. upon the amount collected, averaging from 100*l.* to 120*l.* a year.

He has for the last few years had a gratuity of 10*l.* from the corporation funds in addition to his percentage, on account of a stricter method of collecting the dues being pursued. He has also a house to live in, provided for him by the corporation.

Water Bailiffs, functions of.

60. The duties of the Water Bailiffs are, to prevent the shore from being injured by ballast for the ships being improperly taken from it, and generally to assist the harbour master. They have no salary, nor could we learn how any emoluments accrued to them: they probably receive nothing besides what they can earn by their labour.

Searchers of Market, functions of.

61. The duty of the Searchers of Market is, to inspect the markets, and take care that the provisions exposed there for sale are not unwholesome. They are generally constables also. They have no emoluments as searchers of the market.

Constables, functions of.

62. The principal duty of the High Constable is, to collect the borough rate and pay it over to the treasurer. The ordinary Constables perform the usual duties of such officers: they have no fixed salary, but are paid for any duty which they may be called upon to perform. They have 1*s.* on every warrant which they execute.

Measurer, functions of.

63. The duty of the Measurer is, to attend the leet jury on their examination of weights and measures: he is allowed 7*s.* for each day that he attends.

Hayward, functions of.

64. The duty of the Hayward is, to take care of the pound, for which he receives the usual poundage fees.

Cofferers, functions of.

65. The duty of the Cofferers appears from the name to be that of keeping the borough chest; probably the balance in the chamberlain's hands was originally paid over to them. They have always been the same persons as the auditors; and it is therefore not possible to define the separate functions of each office. We will therefore only refer to the functions of the auditors.

66. The

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66. The principal duty of the Auditors is that of examining the chamberlain's accounts. The same persons, who are auditors, are in the habit of making the orders upon the chamberlain for the payment of money, but whether this falls within their province as auditors, cofferers or aldermen, we are unable to determine, as the persons executing the two former functions have for some time been the only resident aldermen. The mayor also signs the orders for payment of money and the memorandum of audit. After the mayor has given such examination to the chamberlain's accounts as he thinks proper, he sends the books and vouchers to one of the auditors. In practice, it is usual for the auditors to agree amongst themselves for some one of them to take the year's accounts, and examine them with the vouchers: this is done before the audit day. The other auditors do not always examine the accounts with the vouchers, but, on understanding that the one who has undertaken to examine them is satisfied of their correctness, they often sign the audit as a matter of course. If any money appears to have been paid without sufficient order, an explanation is required of the chamberlain. After the accounts have been audited in the above manner, both the chamberlain's account book and the abstract made from it are signed by the auditors: the latter is deposited in the corporation chest, and the former returned to the chamberlain in order that he may continue his accounts in it. No publication whatever takes place of the year's accounts, nor of any abstract or balance of them; nor are they submitted to the inspection of any one, except as above stated. There seems to be a difference of opinion amongst the select body, whether or not the burgesses have a right to inspect the accounts: they have never done so, nor has any application ever been made by any of them for liberty to do so. We were told by some of the select body that there would be no disinclination to show them to any burgess who wished to see them, whether the right existed or not. It is considered that inhabitants generally have no right to inspect them; and we understood from the same authority that they would probably be refused on application.

Auditors, functions of.

67. The Privileges of the Burgesses are at the present time very few. Their share in the election of mayor and magistrates has been mentioned. Before the passing of the Reform Act, all the members of the corporation, whether resident or not, had the exclusive privilege of voting for the return of members to Parliament. At one time they probably possessed some privileges in carrying on trade within the borough, as in some of the oldest corporation books there are entries of licenses to open shops, granted no doubt to persons not burgesses, to enable them to trade within the borough. Power is given to the corporation, by the charter, to have a merchant's guild with all its liberties. There are no entries extant to show to what extent the trade of the town was regulated by it: at present there is no restriction whatever upon the trading within the borough. For many years they were considered to be exempt from wharfage dues. This is now a subject of dispute between them and the corporation. The first demand upon them for this toll was made in September 1832: many of them have not paid: no steps have hitherto been taken to compel them. The burgesses, in common with all inhabitants within the borough, are exempt from serving on county juries.

Burgesses, privileges of.

68. The Corporation has an exclusive criminal Jurisdiction, the charter containing a non-intromittent clause. The courts of jurisdiction co-extensive with the borough are, the court of quarter sessions, the court leet, the court of record, and the court of pie poudre: the last has become obsolete.

Jurisdiction of Corporation.

The mayor, recorder, ex-mayor, and the three aldermen elected magistrates, form the bench of the Court of Quarter Sessions. The recorder practically presides at the trials. The town clerk is the clerk of indictments. The offences tried are those usually tried at quarter sessions. There is the usual borough jurisdiction in appeals, but the cases are very rare.

Court of Quarter Sessions.

The grand juries are summoned by a precept from the mayor; the persons selected are usually the more substantial inhabitants of the borough. The grand juries in practice are permanent bodies: there are two lists, each containing 23 names, which names remain from sessions to sessions. One list is summoned at the Epiphany and Midsummer; and the other, at the Easter and Michaelmas sessions. There is no exemption or preference given to burgesses. The names are called over in succession according to the time each individual has been on the list, so that he who has been on it longest is foreman, and remains so as long as he continues on the list. Any one becoming an alderman, although he may not be a magistrate, is removed, and any one may retire after having served a short time. Each list contains nearly an equal number of Portsmouth and Portsea inhabitants; this equality is kept up by always putting, in place of any one struck off the list, a person of the same parish. It is considered a compliment to put a person upon this jury, and application is generally made to know if it will be agreeable to him to be put on. If the offer is declined by any one, he is not put upon the list, as there is always a sufficient number of proper persons willing to be summoned. We were informed that instances of persons declining had occurred: one gentleman had declined, not upon any objection to serve as juryman, but from an unwillingness to receive any offer which could be considered a compliment from the corporation; his political opinions are the same as those supposed to exist amongst the corporation. We have no reason to believe that political opinions have at all influenced the corporation in the choice of grand juries. Some dissatisfaction was expressed to us at the system of permanent grand juries; the reason assigned as an objection to it was, that the same persons, constantly meeting together on these occasions, were less likely to canvass opinions or to receive new ideas upon subjects within their province, such as presenting the gaol. Persons in any of the Government departments are not put upon the list. Any person who is, or has been, on these lists is not called upon to serve on the petty juries, or on the juries of the civil court. The petty jury are summoned from a list in the town

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town clerk's office; the list contains the names of all persons liable to serve, and is constantly amended as persons die or come to reside within the borough: each name is taken in succession. The names recur about every three years; 48 are summoned on each sessions. We may here notice that all the inhabitants of the borough are exempted from serving on the county juries. Some barristers generally attend the sessions. The following is the number of trials, convictions and transportations in 1831 and 1832.

In 1831 -	57	trials for felony -	47	convictions - -	9 transportations.
	38	– misdemeanors	18	— - -	–
In 1832 -	83	– felony -	62	— - -	15
	27	– misdemeanors	9	— - -	–

The number of convictions for the last 10 years bears a much smaller proportion to the number of trials, than we expected to find; this was satisfactorily accounted for in the following manner. A large proportion of the prosecutors and witnesses in the petty larcenies are seafaring men, or strangers temporarily residing in the town: on the day of trial many of these, though bound over to the sessions, have left the neighbourhood, and from this cause the prosecution is not maintainable. The recorder informed us that, on looking over his notes for the last four years, and estimating the number of committals and acquittals on felonies, he found the former to be to the latter as 7 to 1. Committals of the same person for several offences were reckoned as single committals in this calculation; so were committals of several for a joint offence; convictions for different offences of the same person were reckoned also as one conviction; so was the conviction of one of two persons jointly indicted, and the acquittal of one was not reckoned; and, where there were several acquittals of the same person, it was reckoned as one. Cases turning on objections to the indictment or evidence were wholly omitted. No charge is laid upon the borough for the expenses of prosecutions. In any case where the prosecutor is unable or unwilling to pay the expenses of the prosecution, no brief is made out; the recorder examines the witnesses from the depositions taken before the magistrates, and the only charge is 1*s.* to the town clerk for drawing the indictment. It is also common for the expenses to be defrayed by the parish where the offence is committed. The charges on a prosecution are as follows.

	s.	*d.*
Indictment (felony) - - - - -	2	–
Ditto (misdemeanor) - - - -	3	6
Swearing witnesses (each) - - - -	–	6
Sessions process - - - - - -	2	6
Discharge of recognizance - - - -	12	9
Subpœna - - - - - - - -	2	6
Copy - - - - - - - -	–	6
Certificate of conviction - - - -	6	8

Court Leet.

The Court Leet is held twice in the year, on the same day as the Easter and Michaelmas sessions. The mayor presides in it, and the aldermen attend; the town clerk also attends: the petty jury of the quarter sessions are sworn as leet jury. The principal duty of the latter is to supervise the weights and measures within the borough, to make presentments, and impose fines; for this purpose the court is adjourned from time to time. A court is nominally held every Tuesday at the same time as the court of record, and adjourned to the following court day. The jury are not expected to attend. If they have any presentments to make, they may attend at any court; but they usually postpone them until the court day next before the Easter or Michaelmas sessions. They then attend in order to be discharged, and bring into court any presentments they may have to make.

Court of Record.

The Court of Record is a civil court, having jurisdiction over all personal actions. It is considered doubtful whether or not the action of ejectment can be maintained in it, though the charter expressly gives the court power over all actions, personal and mixed: no action of ejectment is remembered to have been tried in it. The judges of the court are, the mayor, recorder and aldermen; of whom the mayor or recorder must be present. The deputy mayor however, having by charter all the same powers as the mayor, is considered to fall within the quorum clause. Some little inconvenience has occasionally been experienced from the quorum clause; in one instance, the mayor was taken suddenly unwell, and the court was of necessity held in his chamber: there were no trials on this occasion, but the rules were entered there. It is not easy to see any reason for this quorum clause; for the mayor, being annually chosen from the aldermen, cannot be supposed a more competent judge than one of them. In the event of there being any trial on a Tuesday during the quarter sessions, the recorder attends. The corporation however at present happens to have two aldermen who have been professional persons, the one a barrister and the other an attorney; the court has received great advantage from their attendance: when neither of these gentlemen has been present, the town clerk has usually taken the evidence and summed up to the jury. The jurisdiction of the court is unlimited in respect of the amount of debt or damages recoverable. The process is serviceable and bailable. The return days are the Tuesdays in every week, with a few exceptions of holyday weeks. The serviceable writ is returnable on the Tuesday after service of it: the bailable writ has no return day upon it, but it is considered returnable the Tuesday after the arrest; the plaintiff however may move for its return at any time, if he thinks the officer is negligent in executing the writ. If the process is executed before twelve o'clock on any Tuesday, the writ is returnable that day. There is no written table of practice; it is governed by custom and assimilated as nearly as possible to that of the superior courts.

courts. The different steps in the suit seem to follow each other regularly, one week being allowed for each, with the exception of the plea, which the defendant has four weeks from the arrest to put in. If the general issue only is pleaded, the cause may be brought to trial in six weeks from the day of filing the declaration: judgment and execution may be had on the court day following. The writs are directed to the serjeants at mace, who also summon the jury. Each attorney taking out the process selects the serjeant who is to serve it. The selection of the jury is left to the serjeants, who summon persons residing as far from the parties in the suit as they can. The attornies who practise in the court are required to be attornies of one of the superior courts, and to be admitted in this court: almost all the attornies in the borough are in the habit of practising in it: occasionally barristers attend. The costs are taxed by the town clerk, as prothonotary. In the absence of a judge of the court conversant with legal proceedings the town clerk takes the evidence and directs the jury. The court seems to be generally made use of, and appeared to us to give satisfaction both to the suitors and professional persons, as far as regards the process and fees; but it seemed to be generally thought that a jurisdiction in actions of ejectment would be very useful. By a return made to the Common Law Commissioners, it appears that the number of plaints entered—

From 12th February 1830 to 12th February 1831, was			374
The number of persons taken to gaol on Mesne process			15
The number of executions by Capias ad Satisf.			28
— by Fieri facias			25
The amount for which executions issued was	£. 663	5	3½

The average expenses of a suit in this court are as follows:

	£.	s.	d.
In cases of trial, judgment and execution, about	9	–	–
— of writ of inquiry and execution, about	6	10	–
— of debt, where there is no plea, about	4	–	–
— of judgment by Cognovit, about	3	–	–

These expenses are independent of the amount sought to be recovered.

Petty Sessions. The Petty Sessions for the borough are held three times in the week. Two magistrates, at least, always attend, of whom the mayor is generally one.

Court of Requests. There is no Court of Requests: an attempt was made to procure one, which passed the House of Commons, but was thrown out in the House of Lords.

Police. Besides the appointment of constables already mentioned, the watching of the borough is partially provided for, by local Acts of Parliament, one relating to the town of Portsmouth, and the other to the town of Portsea. The provision for lighting is made in the same Acts; there are also other Acts for each town, relating to the paving. The Act for watching the town of Portsmouth is 16 Geo. III. c. 59; it refers to the Paving Act, 8 Geo. III. c. 62. with which it is consolidated. The number of commissioners is limited to about 60; the qualification for a person not an inhabitant is the possession of lands of the yearly value of 20 *l.* within the parish, and a personalty of 600 *l.*; for an inhabitant merely a personalty of 600 *l.* Aldermen are disqualified from being commissioners. The commissioners fill up the vacancies as they occur. There seemed to be no dissatisfaction at the persons elected commissioners, who are generally of the higher class of tradespeople, nor at the manner in which the Act is executed. The limits within which the Acts operate are not those of the parish of Portsmouth; some part of that is excluded, and some portion of the guildable part of the parish of Portsea is included; a portion of the latter part has not yet been brought within the operation of the Acts; the inhabitants of that part, however, have latterly expressed a wish to take the benefit of the Acts, and measures are now being taken for having that part paved and lighted. When this is done, they will be included in the rate. The rate for paving the town is limited by the Act to 1 *s.* in the pound yearly, for the first five years, and to 6 *d.* after the five years have expired, upon the occupiers of houses and land. By the watching and lighting Act, an additional rate, not exceeding 3 *d.* in the pound, is authorized. In practice, no separation of the rates is made: a rate sufficient for all purposes is laid on, and applied indiscriminately to the purposes of both Acts. No watchmen are appointed under the Acts. From the circumstance of the town being a garrison town, in which there are frequent patroles of military during the night, it has been considered that the want of watchmen was not felt sufficiently to make it worth while to encroach upon the rate, the whole of which is expended upon the paving and lighting. We were informed by several inhabitants that watchmen were necessary; but the cause assigned by them was, not so much the fear of the commission of crime, as the annoyance caused by the disorderly state of the streets; the latter feeling is fully justified by the fact. Many years ago alarm was excited amongst the inhabitants at some murders in the neighbourhood of London, which were reported to have been committed by seafaring men; in consequence of this a watch was instituted for a short time, which was maintained by private subscription. No publication of the accounts is ever made; no application by any rate payer to see the books was remembered: we were told that in such case he would not be refused, though it was considered that a rate payer had no right to an inspection of the books. The accounts are audited by such of the commissioners as choose to take this trouble; no meeting is called specifically for the purpose. The whole nominal amount of rate authorized by the Acts is raised, in three rates, of 3 *d.* in the pound. Each rate averages about 200 *l.*; of this the Government are rated about 32 *l.* 10 *s.* each rate; the corporation 3 *l.* The lighting consumes rather more of the rate than the paving; both are represented to us as being efficiently performed. The rate is assessed upon two-thirds of the actual value, and extends down to

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houses of about 6*l.* rack rent. We were assured that an efficient watch could be maintained by another 3*d.* rate; so that, if the property were assessed at the full value, the present Acts would be quite sufficient for this purpose. There is no permanent debt, though the balance is generally in the treasurer's favour at the end of the year. The Paving Act for the town of Portsea is 32 Geo. III. c. 103; the lighting and watching Act 7 Geo. IV. c. LXIV. Although there is no clause of consolidation in the second Act, yet such reference to the first is made in it as to extend several of its provisions to the second. The trustees, who are in the nature of commissioners, are the same in both: there is a disqualifying provision for any one who neglects to act for a whole year. The qualification for a person not an inhabitant is the possession of realty within the town of 40*l.* annual value; for an inhabitant, realty or personalty to the amount of 600*l.* Certain persons engaged in the service of Government in the town are trustees ex officio; seven is a quorum; nine or ten usually attend for the purposes of the Act. There was no dissatisfaction expressed at the class of persons elected trustees; the number is limited: vacancies are filled up by the remaining trustees. The boundaries of the town are defined for the purposes of the Act. There is, however, a part of the borough, containing a large mass of houses, not included in either these or the Portsmouth Acts. We understood that this portion was in such a bad state, that in winter some parts of it were almost impassable. We were told that the reason which prevented the inhabitants of these parts from applying for an Act, was the fear which they felt of being subject to the same species of rate for paving as their neighbours under the Acts now referred to. The measure of contribution apportioned by the Act to each occupier is the following: each proprietor is compellable to repair the street to the middle of it in front of his own house; the surveyor sees that this is done by the commissioners' workmen; the work is then measured, and the proprietors charged accordingly. The consequence of this is, that persons having houses in the streets of greater thoroughfare, or at the corner of streets, with double frontage, are taxed far more heavily than the owners of larger houses in less frequented streets, which the inhabitants seemed to consider a great injustice. The sum annually raised by this means averaged about 600*l.* Besides this, the several officers' salaries and other expenses connected with the pavements are raised by a rate which is not to exceed 3*d.* in the pound upon occupiers. The lighting and watching of the town is provided for by a rate upon occupiers of property, which, however, is not separately raised, but is joined with the above for providing for the extra expenses connected with the paving. The average expense of watching and lighting is about 400*l.* a year each. In the whole, the inhabitants are rated to the amount of about 1,900*l.* or 2,000*l.* in the year. This seemed to be considered an exorbitant sum. The rate for watching and lighting is not to exceed 1*s.* 3*d.* in the pound in the year. The full amount of rates is generally raised. The property is assessed at about two-thirds of its annual value. We heard no complaints of the efficiency of the watching and lighting. The accounts are audited at a meeting of the commissioners. Last year, in consequence of the dissatisfaction expressed, a statement of the receipts and expenditure was published by advertisements in two local papers.

Fair.

69. The charter of Charles gives an annual Fair to be held at the Feast of St. Peter ad Vincula, and the fourteen following days; and by the same charter an ancient annual fair is discontinued. The tolls are granted to the corporation and taken by them. The fair is held in the heart of the town of Portsmouth. It creates great dissatisfaction among the respectable inhabitants. Disreputable characters of every sort haunt the town during its continuance, and the streets are in a state even more disorderly than usual. Many of the inhabitants quit Portsmouth for the time to avoid the nuisance.

Markets.

70. There are three Market days in the week. The mayor, by the charter of Charles I., is clerk of the market. The court of pie poudre is never held. The corporation collects the tolls.

Borough Rate.

71. A Rate has been raised in the borough for about 15 years. It is applied to the usual purposes of county rates. The rate is 2*d.* in the pound, the assessment corresponding to that for the poor rates. Two are annually raised in the year for general purposes, including the current expenses of the gaol, and two for the enlargement of the gaol. A single rate produces,

From Portsmouth - - -	£.	159	14 4
From Portsea - - - -		325	5 4
TOTAL - - -	£.	484	19 8

Whether the Jurisdiction require extension.

It will be seen, in our account of the funds, that one of these rates exceeds by not much more than 30*l.* the average annual expense of the corporation entertainments.

72. We were told that it is not common for offenders to escape from the warrants of the borough magistrates by passing the limits of the borough. There are county magistrates resident in the town, so that the warrants are easily backed. Such instances do, however, sometimes occur. There seems to be no reason why the municipal jurisdiction should not be extended over the guildable, so as to make the authority of the corporation co-extensive with the Parliamentary franchise. If the municipal bounds were extended still further, so as to comprehend a small non-parochial area, and so much of the parish of Wimmering as is in the island of Portsea, that island might form a municipal area from which there would be but one exit, passing through the military works by a part always watched. This, however, would

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would be attended with the disadvantage of dividing the parish of Wimmering. The nearness of Portsmouth gaol, by which the inconvenience of carrying prisoners to Gosport or Winchester would be avoided, may be considered as an argument for including the whole island. The petty sessions of Portsmouth would also be rather more acceptable to the inhabitants of Wimmering than the county ones, which are held at Fareham, and at no other place nearer to Wimmering. The population of the island not included in the Parliamentary borough is very scanty.

We expected also to find that inconveniences had arisen from prisoners escaping out of the water limits of the borough to the Gosport side. But no such instance was brought before us; and a very strong objection appears to be felt, on both sides of the water, to reuniting Gosport to Portsmouth. It will be recollected that the charter of Charles II. enacted the union. The inhabitants of Gosport prefer resorting to the jurisdiction of the county magistrate to passing the water, though it is very seldom that the least difficulty is met with in effecting the passage. This objection is so strong that it is felt even by those inhabitants of Gosport, who express a great anxiety for municipal institutions of their own. The dislike to the union seems to be equally strong on the Portsmouth side, though we are unable to state the grounds of such an opinion. The objections raised to an extension, in the inland direction, on the part of those who are not without the jurisdiction, would, from all that we could learn, be equally strong. There are county petty sessions held once a week at Gosport, and there is a Bridewell there.

Borough Gaol and Town Hall.

73. The Borough Gaol is part of the same building with the Town Hall at which the courts are now held, and where the elections of officers and other corporate business is done. The old gaol was, many years ago, presented as insufficient by the grand jury. An Act was obtained for building a new gaol. The collector was to account to any two of the borough justices. The gaol was built accordingly, and the old Town Hall was left standing; the latter is used for public meetings in the town, and other general purposes. A complaint was afterwards made that the money was partially collected, that the accounts were irregularly audited, and that the rates were applied to purposes not within the Act; as, for instance, to building the Town Hall and to maintaining the prisoners. A committee of the inhabitants was formed, and finally the corporation paid 1,000*l.* from the corporation funds by way of gift or compromise. The gaol is now maintained under the borough rate before mentioned. It has been enlarged in consequence of the general Gaol Act. The inhabitants complain of having been brought within this statute. They consider that this is to be attributed to the largeness of the number of prisoners usually in confinement, which is said to be in great part owing to the circumstance, that smugglers captured at great distances are brought to this port. The visiting magistrates are appointed by the borough justices at sessions from among themselves. The mayor is the gaoler by the charter of Charles I. The gaol is not yet quite so complete as the Gaol Act requires, but it is convenient and cleanly, and has the means of carrying the separation of the classes of prisoners to a great extent. The salaries of the officers of the prison, which are fixed by the magistrates, are—

Gaoler	£.200	Matron	£.25 –
Turnkey	£.100	Surgeon	£.31 10

Strong objections are made to a custom which prevails here of confining prisoners on criminal convictions together with soldiers condemned for breaches of military discipline.

Poor.

74. The corporation is not connected with the management of the Poor, except so far as relates to the jurisdiction of the magistrates as such.

Patronage and Schools.

75. The corporation has no Patronage. A Grammar-school was established by a former burgess. The trustees are the Dean and Chapter of Christ Church, Oxford; and they leave the appointments, in case of vacancies among the scholars, to the mayor for the time being, and other persons. It does not appear that the sons of members of the corporation have any preference shown to them. The boys must be children of inhabitants. There is a Lancasterian school built on some land belonging to the corporation. They reserve a rent of 5*l.* 5*s.*, which sum they give annually in aid of the school.

Licences.

76. The Licences are granted by the magistrates of the borough. There are from 230 to 240 licensed houses in the borough. The licence is generally considered to be granted to the house and not to the occupier; but fresh licences are scarcely ever granted. At the close of the war, it was thought by the magistrates that the number of licensed houses ought to be diminished; and with this view no licences were renewed to any houses which had not taken out an excise licence in the preceding year. It so happened that several of the family, of which there are so many members among the aldermen, were concerned in a very large brewing establishment; some of the magistrates were actually partners in it. A belief arose in some quarters that this rule had been laid down for the purpose of favouring the interests of this establishment. We are convinced that this belief was totally unfounded. There were, at the time, 242 licensed houses; 14 of these lost their licences by the new rule. The family in question possessed then from 60 to 70 houses, and they lost nine licences. We cannot believe that such a suspicion could ever have arisen in this case, except from the jealousy created by the existence of a close corporation. We could discover no instance of a preference given to any part of the corporation in the exercise of this function.

Income of Corporation.

77. The Income of the corporation consists of the wharfage dues, harbour dues, market tolls, fair tolls, standings, fines, rents, and dividends from income in the funds.

Wharfage Dues.

The Wharfage Dues, under which head are comprehended the dues called wharfage, cranage,

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cranage and petty customs, are collected by the wharfinger, and paid by him to the chamberlain. There appear, by the books, to have been at one time some other dues, called Gadgage; but these are not now collected, and nobody appears to know what they were. The whole rests on prescription, confirmed by the general ratification in the governing charter. The wharfage dues nominally are paid for goods landed or shipped on any part of the soil of the borough; this seems to be in the nature of a toll traverse. The claim of the corporation was resisted not long ago, but the corporation succeeded in establishing it by a verdict which they obtained in 1830. The cranage is nominally a rate collected on goods as a compensation for the use of the cranes on the wharfs. The petty customs are rates on particular articles landed on the soil; but in practice these dues are not separated by the collector. The cranage is paid for goods for landing which the cranes are not used, although there is an extra charge for very heavy weights: the collector's book does not show in what character the sums are levied on the different articles; the book contains about 220 kinds of goods. We select a few of the most important:—

	s.	d.		s.	d.
Ale, per hogshead	1	–	Iron in bars, per ton	–	5
Barley, per quarter	–	–½	Leather, per ton	1	8
Beef, per barrel	–	1	Logwood, per ton	–	10
Butter, per firkin	–	1	Marble, per ton	1	8
Currants, per butt	2	–	Oranges, per chest	–	1
Coals, per chaldron	–	2	Pitch, per barrel	–	1
Corn in general	–	–½	Pigs, each	–	–½
Earthenware, per hogshead	–	6	Sugar, per hogshead, solid	1	–
Fish, loose, per ton	1	8	Spirits, per pipe or puncheon	1	–
Ditto, per barrel	–	1	Soap, per hogshead	1	–
Hemp, per ton	1	8	Salt, per hogshead	–	6
Hides, per ton	–	10	Tobacco, per hogshead	1	–
Hay, per ton	–	5	Wine, per pipe or butt	1	–
Hops, per bag	–	6			

The average annual amount of these dues, taken on the three years ending in 1793, was a little over 168*l.*; that on the three years ending in Autumn 1832, was a little over 1,043*l.* The burgesses claim an exemption from the payment of these dues, which has been till very recently allowed, though the claim is considered to be doubtful. The dues are now demanded of them; they have been paid in many instances, in others not. No steps have hitherto been taken to enforce payment from those who have left them unpaid. In some cases, exemptions are claimed on behalf of ships belonging to persons privileged by their own charters or customs; the Crown also is allowed an exemption, though upon what ground this can be supported we do not know. Some years ago the corporation improved the accommodations for landing goods, in consideration of which several of the principal merchants agreed that the rates on certain articles should be increased. This increased rate was for some time generally submitted to, but it has lately been objected to, and is no longer enforced. Some instances were mentioned to us of rates which remain higher than they formerly were; but, upon examination, it appeared that these were still below the ancient rates. No list of the tolls is published, and this appears to have produced much discontent.

Harbour Dues.

The Harbour Dues consist of anchorage or groundage, and bushelage. These are claimed by prescription, confirmed by the governing charter. Every vessel casting anchor or making fast in the harbour is subject to the anchorage or groundage; those only which break bulk, to the bushelage. Foreign vessels pay 2*s.* 8*d.* for the anchorage or groundage, and one bushe of all articles brought in bulk and not in sack. British vessels not entered of the port of Portsmouth, pay 1*s.* 4*d.* anchorage and groundage, and the bushelage as before. Vessels entered of the port of Portsmouth pay the bushelage only. These are collected by the harbour-master, and paid by him to the chamberlain. The annual average of these, taken on the three years ending in autumn 1793, was 20*l.*; that on the three years ending in autumn 1832, was 83*l.*

Market Tolls.

The Market Tolls are raised upon certain goods exposed in the market on the three market days. These are collected by the crier; he seizes the goods of those who refuse to pay. The tolls are paid over to the chamberlain; the average annual value of these, taken on the three years ending in the autumn of 1793, was rather above 26*l.*; that on the three years ending in the autumn of 1832, was 93*l.*

Fair Tolls.

The Fair Tolls are granted by the charter of Charles I. They are collected by the serjeants at mace on goods exposed, and paid over to the chamberlain. The annual average value of these, taken on the three years ending in autumn 1793, was 39*l.*; that on the three years ending in autumn 1832, is rather above 57*l.*

Standings.

The Standings are properly rents for permission to use certain stations for the sale of meat. The soil is the property of the corporation. They are collected by the serjeants at mace and paid to the collector. The annual average amount, taken upon the three years ending in the autumn of 1793, was 65*l.*; that upon the three years ending in the autumn of 1832, was a little above 38*l.*

Fines.

The corporation receives the Fines imposed by the leet jury. For the three years ending in autumn 1832, the annual average was a little above 10*l.* The expense of getting them from the Exchequer is frequently greater than the amount of the fines. A new arrangement has been made under a late Act of Parliament, by which the expense will be reduced.

Rents.

The land of the corporation is almost entirely let on long leases; some as long as 1,000 years. These leases very seldom fall in; but when they do so, the corporation usually prefer

prefer selling the land to letting it on rack-rent, or renewing the lease. Some instances, however, occur of leases with increased rents, as will appear by the advance in the rents. The rents are, for the most part, very trifling quit-rents. Some annual payments are also made for encroachments; they are received by the chamberlain, who employs the town-crier for this purpose as his own agent. The average annual amount of the rental, taken upon the three years ending in the autumn of 1793, was 200*l.*; that on the three years ending in the autumn of 1832, was 244*l.* PORTSMOUTH.

The income of the corporation has increased more rapidly than its expenditure; and the balance has from time to time been invested in the funds. The money arising from occasional sales of waste or other lands has also been added to this part of the income. These sales appear to have been, in the few instances which have occurred, conducted with perfect fairness, and made for the full value. The Dividends of the corporation, in the year ending in the autumn 1832, produce an annual income of 354*l.* This part of the income has, since that time, already (October 1833) increased by 45*l.* per annum. There does not appear to be any fixed rate as to the magnitude of the sum allowed to be uninvested; it has been higher than 700*l.*; we were told that 300*l.* would not be considered a balance so large as to require investment. The unappropriated balances are in the chamberlain's hands. Dividends.

The aggregate average annual Income, at the two periods selected, is therefore,— Aggregate Income.

	First period.	Second period.
Wharfage dues	£. 168	£. 1,043
Harbour dues	20	83
Market tolls	26	93
Fair tolls	39	57
Standings	65	38
Fines	—	10
Rents	200	244
Dividends	—	354
Total	£. 518	£. 1,922

In this statement we have omitted the payment of nominal fines for the use of waste lands, which are enforced for the purpose of preserving the title, and which amount only to a few shillings. We have also taken no notice of sums which go into the account of the receipts of the corporation, and which afford no test of its income. Such are, the balances from the preceding year, the money recovered in lawsuits, and the money arising from the sale of lands.

The Expenses, including the cost of collection, have been,— Expenditure.

	£.	s.	d.
In the year ending autumn 1830	2,556	1	–½
— 1831	1,609	16	5
— 1832	1,468	10	3

We shall select the first of these, as that in which the expenses have been heaviest, and as showing best the contingencies to which the corporation is liable.

The Expenditure may be arranged thus:—

	£.	s.	d.
Expenses of collection	437	16	1½
Payments in the nature of salaries	119	11	6
Permanent outgoings	71	16	6
Repairs	42	16	4
Charities	35	5	–
Feasts	461	19	2
Contingencies	1,386	16	5
Total £.	2,556	1	–½

Under the Expenses of Collection we have included the percentages paid to the different officers; when they are paid by a fixed sum, we have classed the payment under the salaries. The annual wharfinger's bill, which in this year was 104*l.* 1*s.* 9*d.*, is also included in this; but a few pounds of the bill are more properly to be placed under the head of repairs, as they were paid for keeping in order some of the accommodations at the wharf. The town clerk's bill of 25*l.* 9*s.* is also included under this head; but it is of a very miscellaneous nature. He collects the fines due to the corporation upon judgments in the borough court of quarter sessions. The expense of getting these from the Exchequer is generally greater than the sum obtained: in etrictness, the fine should be carried to the income, and the gross charge to the expenditure. There are other disbursements with which he credits himself; some connected with the collection of the income, and some with small contingencies. Expenses of Collection.

Gratuities, which are considered matters of course, and which are given periodically, are included under this head of payments in the nature of Salaries. For instance, a present to the clergyman for an annual sermon; a present to the bell-ringers on certain corporation days; and the crier's clothes. Payments in the nature of Salaries.

The permanent outgoings consist in a fee-farm rent to the Crown, in interest due to a charity, and in rates upon the corporation property. Permanent outgoings.

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Repairs. The Repairs are performed on the cranes and wharfs, and on the Town Hall, and other corporation property.

Charities. There are two charitable Gifts in this year's account; one of 30*l.* to the poor, another of 5*l.* 5*s.* for the school before spoken of.

Feasts. The Feasts were rather more expensive this year than in ordinary years. On the accession of His present Majesty, 41*l.* 9*s.* was spent in refreshments for the party attending the proclamation; 108*l.* 10*s.* on a dinner given on the election of the representatives, which was formerly defrayed by the members themselves. The average annual expense of feasts, from 1824 to 1831 inclusively, was 447*l.* An account was given to us, showing that the average income during that time, accruing from dividends and rents, was 600*l.* The object of this was, as we understand, to show that the corporation had paid for these feasts without taxing the inhabitants, on the assumption, apparently, that there would be no cause of complaint if the inhabitants were not taxed for any but municipal purposes, and that they had no claim upon the fixed property of the corporation for these purposes.

Contingencies. The Contingencies in this year were remarkably heavy. We give the items of which they consisted.

	£.	s.	d.
Paid to a man for attending with a petition against capital punishments	–	12	6
Fees on the admission of the new Recorder as a Burgess	5	10	
Law expenses	1,330	6	11
Expenses on the proclamation of His present Majesty, on rejoicings at His accession, and in mourning for the decease of His late Majesty	25	19	–
Illumination on His Majesty's birth-day	1	19	–
Stationery	20	5	6
Crier's contingencies	2	3	6
£.	1,386	16	5

The law expenses were occasioned by the contest with some of the inhabitants who refused payment of the wharfage dues. In the next year the town clerk paid to the corporation funds 219*l.* 2*s.* 6*d.* as the balance against him upon his debiting himself with the costs paid by the defendants in the action.

State and Prospects of the Town. 48. We give the account of the population at the four censuses of 1801, 1811, 1821, and 1831, as it was analysed by the gentleman whom we have mentioned as having furnished us with information respecting the history of the corporation.

		1801.	1811.	1821.	1831.
Municipal Borough.	Portsmouth Parish	7,839	7,103	7,269	8,083
	Portsea Town (Portsea Parish)	14,943	16,166	14,223	14,874
	Portsea Liberty (Portsea Parish)	9,384	15,199	20,562	23,325
	Portsea Guildable (Portsea Parish)	1,060	2,099	3,594	4,107
TOTAL Parliamentary Borough		33,226	40,567	45,648	50,389

In 1832 the voters on the revised barristers' lists were,—

Ten Pound Householders in Portsmouth Parish	382	of whom 6 Freemen.
Ditto Portsea	898	— 6 —
Registered as Freemen	15	
	1,295	

We cannot state how many of these names occur more than once.

We cannot give the number of inhabited houses so minutely, as Marshall* has given the divisions only of Portsmouth parish (which he calls Portsmouth borough) and Portsea parish; and as the census of 1831 does not distinguish the different parts of the Liberty in the larger sense of the name.

		1801.*	1831.†
Inhabited houses in—			
Municipal Borough	Portsmouth Parish	1,130	1,195
	Portsea Liberty (the whole) (Portsea Parish)	- -	7,412
		4,180	—
	Portsea Guildable (Portsea Parish)	- -	803
TOTAL in Parliamentary Borough		5,310	9,410

The

* Account of the Population, &c. Numbers 1356, 1357, p. 27. † Census of 1831.

The prosperity of the town is considered to have depended mainly upon the excitement produced by the war, and to have declined much since the termination of it. We are of opinion that this notion is at any rate exaggerated. The population has been steadily upon the increase, and although one very important excitement to trade has subsided, others appear to have been created. The port is visited by six steam vessels, some of which go and return several times in the day; besides others which touch here in their passage to other places. In the last 10 years the import of coal has increased 30 per cent. There is a large import of cattle from the West of England and the Isle of Wight; 50,000 sheep have been brought in, in a single year. Irish corn and other provisions are brought hither, and wine is imported directly from the continent. More horses and carriages are kept than formerly. It is, however, said that the new houses which are built are on a smaller scale than the old ones, and that profits are much reduced. In the last 10 years of the war, the average annual number of poor rates was 10; in the 10 years preceding the present it was 12; last year there were 16 rates. There are few persons of large fortune; the property is considered to be more equally distributed here than elsewhere.

AN ACCOUNT, showing the Number of VESSELS and their TONNAGE, entered Inwards, Outwards, and Coastwise, with Cargoes, at the Port of *Portsmouth*, for the several periods of Three Years, viz. 1810 to 1812, 1820 to 1822, and 1830 to 1832.

For what Period.	INWARDS from Foreign Parts.		OUTWARDS to Foreign Parts.		Coastwise, including Ireland.				Number and Tonnage of Vessels belonging to the Port.	
					INWARDS.		OUTWARDS.			
	No. of Ships.	Tonnage.	No. of Ships.	Tonnage.	No. of Ships.	Tonnage.	No. of Ships.	Tonnage.	Vessels.	Tons.
1810 -	252	42,574	32	4,231	3,164	Tonnage not recorded in the Books at this time.	1,391	Tonnage not recorded in the Books at this time.	354	17,433
1811 -	311	52,622	27	2,936	3,043		1,405		355	17,345
1812 -	253	42,300	41	6,184	3,418		1,427		354	16,957
TOTAL	816	137,496	100	13,351	9,625		4,223			
1820 -	373	30,536	66	4,356	2,162		1,348		260	10,528
1821 -	301	24,647	78	4,463	2,331		1,426		253	8,401
1822 -	230	17,930	77	13,333	2,397		1,423		240	8,320
TOTAL	904	73,113	221	22,152	6,890		4,197			
1830 -	218	20,020	69	3,568	1,998	121,290	1,886	67,712	193	9,536
1831 -	189	22,226	56	1,874	1,897	116,143	1,609	63,035	193	10,393
1832 -	148	13,432	51	4,033	1,648	105,700	1,427	56,796	184	10,076
TOTAL	555	55,678	176	9,475	5,543	343,133	4,922	187,543		

79. We add a list of Local Acts. Local Acts.

14 Geo. II. c. 43. An Act to enable Thomas Smith, Esquire, Lord of the Manor of Farlington, in the County of Southampton, to supply the Town of Portsmouth and parts adjacent, with good and wholesome Water, at his own proper costs and charges.

4 Geo. III. c. 92. An Act for the better paving of the Streets and Lanes, and for preventing Nuisances and other Annoyances in that part of the Parish of Portsea, in the County of Southampton, commonly called Portsmouth Common.

8 Geo. III. c. 62. An Act for the better paving and cleansing the Streets and other Public Passages in the Town of Portsmouth, in the County of Southampton, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious.

16 Geo. III. c. 59. An Act for lighting and watching the Town of Portsmouth, in the County of Southampton, and for explaining and amending an Act, passed in the eighth year of his present Majesty's reign, for the better paving and cleansing the Streets and other public Passages in the said Town, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious.

24 Geo. III. c. 19. An Act for settling the Rates for the Carriage of Passengers and Goods for Hire to and from the Isle of Wight.

25 Geo. III. c. 24. (Private.) An Act for dividing and inclosing the Commons and Waste Lands called Frodington, otherwise Fraddington, otherwise Fratton Common, and South Sea Common, and Wastes, in the Guildable Part of the Parish of Portsea, and County of Southampton.

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32 Geo. III. c. 103. An Act for the better paving, cleansing, widening and regulating the Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages and Places, within the Town of Portsea, in the County of Southampton; and for removing and preventing Nuisances, Annoyances and Obstructions within the said Town.

45 Geo. III. c. xliv. (Local and Personal, Public.) An Act for Building a new Gaol in the Borough of Portsmouth, in the County of Southampton.

49 Geo. III. c. cxviii. (Local and Personal, Public.) An Act for better supplying with Water the Borough of Portsmouth, and the parishes of Portsmouth and Portsea, and Places adjacent, in the County of Southampton.

49 Geo. III. c. cxc. (Local and Personal, Public.) An Act for the better Government of the Watermen working on the Passage between Gosport, Portsmouth and Portsea, and other Places within Portsmouth Harbour, and to and from Spithead, Saint Helen's, and other parts within the Isle of Wight, in the County of Southampton, and to and from certain Places in the said Island, and for regulating the Fares of such Watermen.

50 Geo. III. c. 46. (Local and Personal.) An Act for Inclosing Lands in the Parish of Portsea, in the County of Southampton.

50 Geo. III. c. ccxviii. (Local and Personal, Public.) An Act for Disafforesting the Forest of South, otherwise East Bere, otherwise Bier, in the County of Southampton, and for Inclosing the open Commonable Lands within the said Forest.

52 Geo. III. c. lxxviii. (Local and Personal, Public.) An Act to amend an Act made in the forty-ninth year of his present Majesty, for the better Government of the Watermen working on the Passage between Gosport, Portsmouth and Portsea, and other places within Portsmouth Harbour, and to and from Spithead, Saint Helen's, and other Parts within the Isle of Wight, in the County of Southampton, and to and from certain Places in the said Island, and for regulating the Fares of such Watermen.

57 Geo. III. c. 42. (Private.) An Act for Inclosing Lands in the Parish of Portsea, in the County of Southampton.

57 Geo. III. c. lxiii. (Local and Personal, Public.) An Act for making and maintaining a navigable Canal from the River Arun to Chichester Harbour, and from thence to Langstone and Portsmouth Harbours, with a Cut or Branch from Hunston Common to or near the City of Chichester, and for improving the Navigation of the Harbour of Langstone, and Channels of Langstone and Thorney.

2 Geo. IV. c. lxii. (Local and Personal, Public.) An Act for giving further Power to the Company of Proprietors of the River Arun Navigation, and for confirming certain Agreements entered into between the said Company and the Company of Proprietors of the Portsmouth and Arundel Navigation.

2 Geo. IV. c. lxxiii. (Local and Personal, Public.) An Act for Incorporating the Town of Portsea Gas Light Company.

7 Geo. IV. c. lxiv. (Local and Personal, Public.) An Act for better lighting and watching the Town of Portsea, in the County of Southampton; and for amending an Act passed in the thirty-second year of his late Majesty, for paving, cleansing and regulating the Streets and public Places within the said Town, and removing and preventing Nuisances and Annoyances therein.

7 & 8 Geo. IV. c. xxxviii. (Local and Personal, Public.) An Act for enabling the Company of Proprietors of the Portsea Island Waterworks to raise a further sum of Money; and for other Purposes relating to the said Undertaking.

Documents.

80. We send with this Report the following Documents.

1. Extract from the Corporation books respecting the Water Boundary.
2. Translation of the Charter of Charles I.
3. Return to Secretary of State of mode of electing the Corporation.
4. Numbers and dates of Burgesses elected in the several years from 1812 to 1833 inclusive.
5. Returns of the Emoluments of the Senior and Junior Serjeants-at-Mace respectively.
6. Criminal and Civil Committals in the Borough of Portsmouth, from 1820 to 1833 inclusive.
7. Returns respecting the Civil Court of the Borough, dated respectively, 2d August 1826; 20th February 1827; 29th October 1828; 22d March 1831; 8th July 1831.
8. Abstracts of Accounts of Borough Rate from Midsummer to Midsummer, in years 1829–30; 1830–31; 1831–32 respectively.
9. The Chamberlain's Return of the Income and Expenditure of the Corporation.
10. List of Market Tolls.
11. Return of Harbour Dues.
12. Barrister's revised List of Voters for the Borough of Portsmouth, 1832.

T. F. Ellis, jun.
D. Maude.

REPORT

ON

THE BOROUGH OF QUINBOROWE,

OR

QUEENBOROUGH.

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BOROUGH OF QUINBOROWE*.

1. THE Limits and Precincts of the Borough of Quinborowe are defined in the governing charter. They are of two kinds, Land Limits and Water Limits. The limits of the land jurisdiction enclose an area of about 270 acres, comprising the town, and some open land, of about 240 acres, called Quinborowe Green. Limits of the Borough.

The boundary line is generally defined by one of the fleets (or dykes), by which this part of the country is much intersected. Some of these fleets are of considerable width, and a profit is derived from the fish which is caught in them. The right to fish in the fleets within the borough is considered to belong to the free burgesses exclusively. One of these fleets, forming part of the boundary line, has been lately laid dry, with the exception of a small drain in the centre of it. This has been done by agreement between the governing body and the owner of the land on the other side: half the land so reclaimed has been thrown into the green, and the other half given up to the owner of the adjoining land. This has created great discontent amongst the free burgesses, who contend that the whole of the fleet belonged to them. The evidence in their favour is, that the sluice into the river, by which the water in the fleet is regulated, is within the borough, and under the control of the corporation. On the other hand, the parish boundary is opposite the centre of this fleet, and the occupiers of land under the corporation have never repaired the sea wall farther than it, nor does the borough in any other point extend beyond the parish. There was not sufficient exercise of exclusive right proved, to determine anything like prescriptive usage. The question seems to be entirely a legal one, upon which I offer no opinion. The cause of this discontent is the loss of the fishing, which the free burgesses say was far more valuable than the whole land reclaimed. On the other hand the governing body stated that the corporation property had been much improved, and that the free burgesses would derive the full benefit from it. This will probably be the case in process of time, but the fishermen would not allow that this benefit would be as great to them as the direct profit which they derived from the fish.

The water limits extend from the King's Ferry to a place, at the mouth of the Swale, called Swale's Spitt, being a distance by water of about three miles. This jurisdiction is of the greatest importance to the corporation, as the right to the oyster fishery depends entirely upon it.

2. Edward 3 granted a Charter, dated the 10th May, in the 42d year of his reign. This charter states that the King, considering a certain place in the island of Shepye as a situation very commodious and safe, and an arm of the sea of great breadth and depth, and a convenient harbour for shipping, had begun to build a castle and town there, and intended to strengthen them with walls and trenches; which town he had thought fit should be named Queensborough. In order that a greater concourse of people might resort thither, the charter grants the following liberties and privileges. That the town should be a perpetual and free borough, and the men of it be burgesses, and have all the liberties and free customs belonging to a free borough. They were every year to choose out of themselves a mayor and two bailiffs to govern the borough, who were to take an oath before the constable of the castle. They were to have two markets every week, and two fairs in the year, with all liberties and free customs, so that such markets and fairs should not be to the detriment of neighbouring markets and fairs. The burgesses were not to be impleaded, except within the borough before the mayor and bailiffs, of tenures within the borough, or trespasses and contracts arising within it. They were to have infangthef and outfangthef, and to give and execute judgment therein. They were to be exempt throughout the whole kingdom from the payment of various tolls and customs for their own goods and merchandizes. The burgesses were not to be put on any assizes, juries, recognizances or inquisitions, on account of causes of action arising without the borough, before the justices of the King or other ministers, so long as they inhabited within the borough. Persons out of the borough were not to be put on the same, on account of causes of action arising within the borough, unless it concerned the Crown or the community of the borough. The burgesses were to be exempt from all kinds of tolls, aids, tenths, fifteenths, and other quotas paid to the Crown, in respect of their own goods. The mayor and bailiffs were to have cognizance of all pleas of contracts, debts, covenants and trespasses arising within the borough, and the execution of them, if they did not concern the Crown, or the community of the borough. The burgesses were to be exempt from prisage for their own wines, which they traded in. The warden of the Cinque Ports or his ministers, or the barons of the said ports, were not to intermeddle with the borough or burgesses of it, or with their goods within it, nor with their vessels. The burgesses were to be exempt from the services which the barons of the Cinque Ports were bound to perform for the Crown. Charter of Edward 3.

3. Richard 2, by a Charter, bearing date the 20th March, in the 1st year of his reign, confirmed all the liberties and privileges granted in the preceding charter, which it sets out. Charter of Richard 2.

4. Henry

* The original name was no doubt QUEENBOROUGH, but several of the ancient documents and seals of the corporation spell the word QUINBOROWE, and as that body now always write the word so, I have adopted the same mode.

QUINBOROWE.

Charter of Henry 4.

4. Henry 4 granted a Charter, bearing date the 27th November, in the 1st year of his reign. This charter sets out the preceding charter of Richard 2, which it confirms.

Charter of Henry 5.

5. Henry 5, by a Charter, dated the 15th November, in the 1st year of his reign, confirmed the charter of Henry 4, which is set out.

Charter of Henry 6.

6. Henry 6, by a Charter, dated the 14th October, in the 2d year of his reign, "by the advice of the lords spiritual and temporal," confirmed the charter of Henry 5, which is set out.

Charter of Edward 4.

7. Edward 4 granted a Charter, bearing date the 20th of November, in the 1st year of his reign. This charter is a confirmation of that of Richard 2, which it sets out.

Charter of Henry 7.

8. Henry 7 granted a Charter, bearing date the 27th of November, in the 2d year of his reign. This charter sets out and confirms the charter of Henry 6.

Charter of Henry 8.

9. Henry 8, by a Charter, dated the 13th May, in the 3d year of his reign, confirmed the charter of Henry 7, which is set out.

Charter of Edward 6.

10. Edward 6, by a Charter, dated the 9th of December, in the 1st year of his reign, confirmed the charter of Henry 8, which is set out.

Charter of Philip & Mary.

11. Philip & Mary, by a Charter, dated the 5th of November, in the 2d and 3d years of their reign, confirmed the charter of Edward 6, which is set out.

Charter of Elizabeth.

12. Elizabeth, by a Charter, dated the 15th of April, in the 1st year of her reign, confirmed the charter of Philip & Mary, which is set out.

Charter of James 1.

13. James 1, by a Charter, dated the 5th of May, in the 2d year of his reign, as king of England, confirmed the charter of Elizabeth, which is set out.

Charter of Charles 1.

14. Charles 1 granted a Charter, bearing date the 15th of November, in the 2d year of his reign. This is the charter under which the corporation are governed. It recites, that Quinborowe is an ancient borough near the sea, on the shores of which enemies desiring the subversion of the state might easily land, if, by the multitude of the King's subjects residing in the borough, they should not be resisted. It then adverts to previous charters granted by divers kings and queens. The principal provisions of the charter will appear in the following sections.

Proposed Charter of Charles 2.

15. The corporation possess a copy of a Charter by Charles 2, as also of the petition for it. This charter is merely a confirmation in general terms of the charter of Charles 1, and other previous charters. The only new provisions are, those relating to the oaths of allegiance and supremacy, and that no recorder, steward or town clerk shall take office without a previous approval by the Crown. It is believed that the charter was never accepted, nor even executed.

Title of Corporation.

16. The Corporation is intituled, in the governing charter of Charles 1, "the Mayor, Jurats, Bailiffs and Burgesses of Quinborowe, in the county of Kent."

Officers named in the Charter.

17. The Officers named in it are,

Mayor	1
Steward, supposed to be Recorder	1
Jurats, exclusive of the mayor	4
Bailiffs	2
Serjeants at Mace	2
Constable	1

Other Officers.

18. The other Officers connected with the corporation are,

Town Clerk	1
Chamberlain	1
Borsholders	2
Gaoler	1
Deputy Water Bailiff	1
Ale Conner	1

Free Burgesses.

19. There are at present 302 Free Burgesses, 131 of whom are resident within the borough.

Mayor, election of.

20. The mayor is elected annually from the jurats, by the mayor, jurats and bailiffs. A majority of each of the two latter bodies is not necessary, a majority of the whole number only is requisite. This was determined in the King's Bench, on the ground of the number of each constituent body being so small (Rex *v.* Greet, 8 Barnewall and Cresswell's Reports, page 363). The whole seven are usually present at the election. The form of election at the meeting is for each person to write on a separate piece of paper the name of the jurat he wishes to be mayor. These pieces of paper are then given in to the town clerk, and he declares which jurat has the majority of votes. He does not declare the number of votes for each person, unless all the votes are for one person: in this case he declares the election to be unanimous. The votes are frequently not all for the same person, but it is known to the electors beforehand how they will probably be given. A meeting of the electors always takes place the evening before the day of election, at which it is ascertained for whom each person intends to vote. The result is generally known by the burgesses, as the serjeant at mace is directed by the mayor to take a goose to the house of the person who is expected, from the opinions expressed at this previous meeting, to be elected the following day. The election on the charter day generally takes place at the Guildhall. The doors

doors are open, and the burgesses are allowed to be present, but there is no interest felt as to the person to be elected, and usually not more than six or seven attend. It is considered that they have no right to be present. The mayor has no casting vote at this election. The same person may be re-elected; it is not common for him to be so, but the same person within a recent period held the office for four or five years successively. This person filled the office 11 different years within the space of 13 or 14 years. Another individual was elected into the office nearly 20 times. These re-elections were in direct violation of the statute of Anne, as the borough at the time sent Members to Parliament, and the mayor was the returning officer. The mayor has generally been resident, but instances of his non-residence have occurred. It was stated that no inconvenience was experienced from this. QUINBOROWE.

Several instances have occurred of a mayor resigning the office during the year. This has almost always been done for the purpose of his being enabled to give evidence in some of the various law proceedings in which the corporation have been involved. In such cases he has always resigned his office of jurat and his freedom as burgess. The resignation of the office of mayor has been effected by a deed of surrender, and the acceptance of this surrender has been given under the corporation seal; a new mayor has been then elected. As soon as the purpose has been accomplished for which the surrender has taken place, a surrender by the mayor elected into the vacancy, and an acceptance in the same manner, have then taken place, and the previous mayor has been re-elected into his office. It was stated that, in one instance, two surrenders and re-elections by the same person had taken place in one year; so that there would be five elections of mayor during the same year. The elections of this kind in the middle of a year have generally taken place at a building called the Town House, a place where the burgesses seem never to attend, or at the mayor's house. As no notice of the election of mayor is given to any but the electors, it was thought that in some instances the mayor might have resigned office, a new mayor have been elected and have resigned, and the previous one have been re-elected, without the burgesses having been aware of it. A strong feeling of dissatisfaction was expressed by some of the burgesses at this system, as tending to bring the office into contempt. Probably the great cause of this feeling was the circumstance, that the resignation was for the purpose of the mayor's giving evidence against some supposed rights of the burgesses, in suits where the select body was the opposing party. One of the burgesses admitted this, but said that his dissatisfaction was created also by this system, independently of the nature of the evidence. The system of immediate re-election seems very objectionable, particularly in a case like the one alluded to, when feelings of exasperation were created, which it is desirable should not attach to the chief magistrate. The present mayor was elected on a vacancy by death in the middle of last year, and was re-elected on the charter day. He resides within the town.

21. The charter gives the mayor the power of appointing one of the jurats Deputy Mayor, in case of his sickness, or absence from the borough for reasonable cause, to hold the office during the sickness or absence of the mayor. The practise is, for the mayor, on the day of his election, to name the jurat whom he appoints his deputy; the name of such person is then entered in the book of proceedings as deputy mayor for the year. Deputy Mayor, appointment of.

22. The Steward, or Recorder, is elected by the mayor, jurats and bailiffs; the charter requires the person elected to be learned in the laws. The office is during the pleasure of the mayor, jurats and bailiffs. A barrister has always filled this office. The present recorder, at the time of his election, was a practising barrister on the Home circuit and Kent sessions; he has since given up practice. Steward or Recorder, election of.

He resides about 11 miles from the borough, and is a magistrate for the county.

23. The Jurats are to be elected by the mayor, jurats and bailiffs from the burgesses or inhabitants. It was decided in the case above referred to in sect. 20, (Rex *v.* Greet), that a person might be elected who was either a burgess or an inhabitant, as well as that a majority of the aggregate number of jurats and bailiffs was sufficient to elect, although there might not be a majority of each class. Previously to the Reform Act, the office was much coveted: it has been less so since. There are several instances of non-resident persons having been elected jurats. Some of the burgesses seemed to think that, previously to the Reform Act, the elections were frequently made upon political grounds. The town clerk denied that this had taken place to any extent, but admitted that one person, an officer in the Ordnance department at Woolwich, had been elected jurat entirely from political considerations. Religious tenets have formed no ground of exclusion. Jurats, election of.

Frequent resignations of jurats have taken place. In some instances, persons have resigned with the object of vacating the office permanently, on account of old age or of their going to reside at a distance. In many instances, however, the resignation has been only for temporary purposes. When it has been thought advisable for a jurat to give evidence in a law-suit on the part of the select body, he has resigned in the manner mentioned in sect. 20, and has been re-elected when the occasion for his disfranchisement has ceased. In such a case he has also resigned his freedom. In order to restore him to his previous seniority amongst the jurats, each jurat, who was junior to him before his resignation, has in turn resigned in the same manner, and been re-elected. In some cases, where the senior has resigned, there has been a separate resignation of all the others, care being taken to re-elect some before the resignation of the others, in order that a majority of the select body might be always existing. In some instances where the senior jurat has been non-resident, he has resigned and been re-elected, in order that a resident jurat might become senior, the senior jurat being by office a magistrate of the borough. Three of the present jurats are resident.

QUINBOROWE. There was an amoval of a jurat in 1815. No cause for this is assigned in the books. A charge was made against him at a meeting, and on his making no defence, and not asking for time to do so, he was amoved by the mayor, jurats and bailiffs. A second resigned about the same time, to avoid an amoval.

Bailiffs, election of. 24. The Bailiffs are elected by the mayor, jurats and bailiffs, from the burgesses or inhabitants. The legal construction of this clause was given in the last section. One is called the Land Bailiff, and the other the Water Bailiff. In general, the bailiffs have been elected jurats, on a permanent vacancy in that office. The present water bailiff, however, has held his office 19 years. They are both resident.

Serjeants at Mace, appointment of. 25. The Serjeants at Mace are appointed annually by the mayor. The same persons are always re-appointed. One of the present serjeants at mace has held the office nearly 18 years; the other, about three years. They are both free burgesses.

Constable, appointment of. 26. The Constable is, by the charter, to be appointed by the mayor, jurats and bailiffs. The appointment by them formally takes place, but the mayor is considered to have the selection of the individual. There is no disinclination to serve this office; persons are frequently re-appointed. The present constable is a free burgess.

Town Clerk, appointment of. 27. The Town Clerk is appointed by the mayor, jurats and bailiffs. He has always been an attorney. The office is at present held by two persons, father and son: the latter was appointed in 1812 joint town clerk with his father, who had been appointed joint town clerk with his father in 1802. The office is considered to be for life, and, in the instances above mentioned, for the life of the survivor.

Chamberlain, appointment of. 28. The Chamberlain is appointed annually by the mayor, jurats and bailiffs. A bye-law of 1728 enacts, that either a jurat or a bailiff shall be appointed chamberlain. A jurat generally holds the office. It is usual for the same person to be re-elected for several years. If no new chamberlain be proposed on the charter day, the town clerk, as a matter of course, enters upon the proceedings the name of the chamberlain of the preceding year, as chamberlain for the next. An election of the chamberlain to be mayor does not occasion a vacancy: the two offices are frequently held together. There is an order of the governing body that the chamberlain shall give a bond to the corporation, with a penalty, for the proper accounting for the money which passes through his hands: the amount of the penalty in 1821 was 1,000 *l.* This order seems to be not usually observed. The present chamberlain has held the office since March 1833: he is senior jurat.

Borsholders, appointment of. 29. The Borsholders are appointed precisely in the same manner as the constable, mentioned in section 26.

Gaoler, appointment of. 30. The Gaoler is appointed by the mayor. By the charter, the mayor for the time being, or any person to be appointed by him, for whom he will be responsible, is to be keeper of the gaol. The office has always been held by one of the serjeants at mace. Both offices are included in the same appointment.

Deputy Water Bailiff, appointment of. 31. The present Deputy Water Bailiff was appointed by the water bailiff: he is a free burgess. Only one deputy water bailiff has been appointed within the last 50 years.

Ale Conner, appointment of. 32. The Ale Conner is appointed by the mayor. This office is always held by one of the serjeants at mace.

Fines. 33. Several orders were made in 1824, imposing Fines upon persons who refused to take the several offices mentioned in them, but none have ever been exacted.

Freemen, admission of. 34. The Freedom is acquired by birth, by apprenticeship, or by gift from the corporation.

Freedom by Birth. Sixty-eight Free Burgesses by Birth were admitted between the 1st Jan. 1813 and the 18th December 1833. The eldest son of every free burgess, born within the limits of the borough, is entitled to his freedom at the age of 21. The father must have taken up his freedom before the birth of the son, in order to entitle the latter to his freedom. If the eldest son die before admission, the next son is entitled to the freedom as an eldest son. If the father do not take up his freedom before the birth of the eldest son, but before that of the second son, the latter is considered to be entitled to his freedom. The eldest son of a free burgess was born within the limits of the borough, but died before admission; the second son was born out of the limits; the third son was born within the limits, and was admitted to the freedom. Complaint was made by one of the burgesses that partiality had been shown in this admission. He himself was a third son, under exactly the same circumstances; when he was 13 years old, his father applied to the then mayor to know if his son would be entitled to his freedom by birth; he was told that his son would not be entitled; in consequence of which he had him bound apprentice. The admission under such circumstances, above referred to, took place on the morning of an election for Members of Parliament; it was known that the person admitted intended to vote for the candidate supported by the governing body, and several of the burgesses inferred that political considerations had influenced the admission. This was disavowed by the town clerk and the only member of the governing body, who was a member of it at the time the admission took place, both of whom considered a person under such circumstances had a right to his freedom.

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Ninety-six free burgesses by Apprenticeship were admitted between the 1st January 1813, and the 18th December 1833. Every person who has served an apprenticeship of seven years to a free burgess, resident during the time within the limits of the borough, is entitled to his freedom at the age of 21. In practice the binding is to both the master and his wife; after the death of the former, a service for the remainder of the time to the widow is sufficient to entitle the apprentice to his freedom. The indenture ought to be enrolled within three months from the execution: if this be not done, it requires a special order of the mayor, jurats and bailiffs to have it enrolled. No instance was mentioned of any refusal to order an enrolment in such a case. There is no penalty for not enrolling within the three months. The service need not be within the borough. It frequently happens that the service to the original master is merely colourable. A bye-law enacts that no person shall take an apprentice, until he himself shall have been admitted to the freedom for a certain number of years, which number is at present nine. An order was made in 1821, that persons who had been disfranchised for the purpose of giving evidence, and had been re-admitted, were not to be prejudiced by the disfranchisement under this bye-law. In 1827 an order was made, that the freedom of an apprentice should not be affected by the master having been disfranchised to give evidence. The master allows the apprentice to serve whom he likes, the former receiving the earnings: the freedom is always allowed in such cases. The master or widow may assign the indentures: no enrolment of the assignment is made. An order was made in 1824, that no burgess should in future take a second apprentice until after the expiration of the term of the first apprenticeship, even though the first indenture should be cancelled.

Freedom by Apprenticeship.

Complaints were made that, in several instances, admissions had taken place from improper motives on the part of the governing body; the motives generally attributed were of a political nature. In one case where the apprentice had run away from his master, and had never completed his service, the master appeared and opposed the admission on this ground. The apprentice however was admitted, on the ground, as the town clerk stated, that the master had not taken the apprentice before a magistrate, or made any complaint during the time that the indenture was in force. A particular private motive was attributed to an influential member of the governing body for this admission. In one instance a person was admitted who had married during his apprenticeship; the master had not taken advantage of this circumstance during the service, and the governing body on this ground, as it was stated, admitted the apprentice to the freedom. This took place on the eve of an election, and several of the burgesses attributed it to electioneering considerations. The above were the principal specific instances, to which my attention was drawn at the inquiry. There are at present only two members of the governing body who were members when the instances occurred. All improper motives were disclaimed by them on the part of that body. It is probable, that, as the various disputes and angry feelings between the governing body and the general body of burgesses were existing at the time when the above instances took place, motives may have been attributed to the former body, which, in some cases at least, did not actuate them. There seems to be no doubt that every exertion was made by the majority of the governing body about the time referred to, to prevent the return of a particular candidate for the representation of the borough, who was supported by nearly the whole body of resident burgesses. The contests have generally been between the resident burgesses on the one side, and the governing body and the non-residents, on the other; nearly all the last have situations in the Ordnance, or some other Government office.

Fees paid on Admission

The expenses of Admission to the freedom of the two preceding classes of free burgesses, are,

	£.	s.	d.
Stamp	1	–	–
Fee to the Corporation	2	–	–
— Town clerk	–	10	–
— 1st Serjeant at mace	–	3	4
— 2d Serjeant at mace	–	1	8
£.	3	15	–

Freedom by Gift.

Eighteen free burgesses were created by Gift between the 1st January 1813 and the 18th December 1833. The freedom has sometimes been conferred as a compliment to persons in official situations; it has also occasionally been given to persons who have failed to perfect their claim to the freedom under the two preceding heads. Nearly the only persons, who have had this freedom conferred upon them within the last 11 years, have been those, who have been disfranchised for the purpose of giving evidence in the different proceedings at law in which the corporation have within that time been engaged. It has always been usual to re-admit such persons as soon as the cause for their disfranchisement had ceased. In all these proceedings, except one, the issue was substantially between the governing body on the one side, and the body of resident free burgesses, on the other: the causes of these proceedings will be mentioned in the next section. All the disfranchisements just mentioned took place for the purpose of enabling persons to give evidence on the part of the governing body.

Some complaint was made to me that the burgesses had laboured under disadvantage in these proceedings from the members of their body not being allowed to give evidence in

QUINBOROWE. in their behalf, as, in case of their being disfranchised, there was no chance whatever of their re-admission to the freedom. They stated, however, that no application had been made to the governing body to know whether the freedom would be restored, if surrendered for such a purpose: the reason assigned for not applying, was their conviction that no assurance would be given, that such burgesses as gave evidence against the governing body would be re-admitted.

Governing Body. 35. The whole of the functions of the corporation are at present exercised by the Mayor, Jurats and Bailiffs. The free burgesses form no part of any court or meeting held for corporate affairs. The only meeting at which they are allowed to be present is that for the election of mayor. The free burgesses, however, claim a right to participate in the management of certain affairs relating to the corporation. The governing body deny that they have any such right, and upon this disputes have arisen, which have been the cause of several proceedings both at law and in equity. The nature of this claim will be shortly stated.

By far the greatest part of the income of the corporation is derived from an oyster fishery. This fishery existed as a valuable property long before the granting of the governing charter. Various regulations and bye-laws are necessary for the proper management of the fishery; and upon the success of it the subsistence of nearly the whole population of the town depends. The principal dispute between the two parts of the corporation has been, whether or not the free burgesses have a right to interfere in the making of these regulations and bye-laws. There is a regular succession of entries relating to them in the books of the corporation, as far back as these extend. On the one hand, the mayor, jurats and bailiffs rest their claim to the exclusive management of the fishery on the provisions of the charter, and a nearly uninterrupted usage of 100 years. The clause in the charter on which they rely is the following. After the grant to the mayor, jurats, bailiffs and burgesses of all the piscaries and fishings in all the waters within the precincts, and the full and absolute liberty and authority of governing and disposing of the same piscaries and fishings, and of all the fishermen there from time to time fishing, the charter provides that the mayor, jurats and bailiffs, or the major part of them, (the mayor to be one,) being for that purpose assembled in any convenient place within the borough or precincts, may have full power and authority to frame and make such reasonable laws and ordinances as shall seem to them useful and necessary for the good rule and government of the burgesses, artificers and inhabitants of the borough, and of the fishermen in the water aforesaid, and, (amongst other things,) for the better preservation, government, disposition, leasing and demising of the lands, tenements, possessions, revenues, fishings and hereditaments to the corporation granted. From the year 1728 down to the present time, with the exception of two years, 1749 and 1750, the mayor, jurats and bailiffs have exclusively exercised the control over the fisheries, both of floating fish and oysters. All the bye-laws relating to them, the purchase and sale of oysters, the borrowing of money, and all other concerns connected with the fisheries, have been during that time regulated at a court of the mayor, jurats and bailiffs. In November 1749, soon after the election of a new mayor, the participation of the burgesses in the management of the fisheries and other affairs of the corporation appears in the entries. On the 17th November, at a meeting of the mayor, jurats and bailiffs, one of the jurats, then Member of Parliament for the borough, proposed "to the mayor, jurats and bailiffs, and to the free burgesses present," that if the free burgesses would raise a certain sum of money, out of the oysters in the fishery between two assigned points, towards raising a corporation stock, he would give the same sum towards this object. Nothing seems to have been done. At "an assembly of the mayor, jurats and bailiffs," on the 9th February 1749*, the mayor, jurats and bailiffs asked "the free burgesses present" whether they had any proposals to make with respect to the taking oysters in a particular part of the fishery. Their answer was, that they had none to make, but expected to take the oysters there without any assessment; and that, having paid for the oysters, they had a right to take them there. No order was made. The names of the free burgesses present are given. At an assembly of the governing body on the 10th July 1750, one of the free burgesses presented a petition on behalf of the free burgesses, respecting the opening of the fisheries. A motion was then made by a jurat, that actions at law should be brought against several of the free burgesses for breaches of a bye-law. This was carried in the affirmative by a majority of the governing body. The mayor then put the question to the free burgesses present, and they were unanimously against it. Five of the seven members of the governing body present protested against this, alleging that the free burgesses had, by charter or law, no power to join in any acts of that assembly. The same thing took place respecting the affixing the corporate seal to warrants of attorney to bring the actions. On the 11th July 1750 "a common hall, or general meeting of the mayor, jurats, bailiffs and burgesses" was held. The names of those present are given. The mayor and two jurats were the only two of the governing body present. One of the jurats protested against the meeting as being illegal. Deeds of release of the above actions at law were resolved upon and executed. "A burghmote, or general assembly of the mayor, jurats, bailiffs and burgesses" was held on the 8th September 1750, at which several regulations respecting the oyster fisheries took place; and an order was made that all bye-laws and regulations relating to the oyster fisheries should in future be ordained and appointed "by the mayor, jurats, bailiffs and burgesses, duly assembled at a burghmote or common hall, or general assembly of the mayor, jurats, bailiffs and burgesses, and not otherwise." The oyster accounts were ordered

* This was a subsequent meeting; the year at this time commencing in March.

ordered to be kept separate from other accounts. Six of these general assemblies were to be held every year. At this assembly some indentures of apprenticeship were ordered to be enrolled. These proceedings seem to have created dissatisfaction amongst some of the jurats; and on the following charter-day only one jurat besides the mayor attended for the election of a new mayor, so that no election could be come to. The same thing happened on the day next but one following, appointed by the mayor, according to the Act of Parliament, for proceeding to an election. A mandamus then issued, and a new mayor was elected. A meeting of the mayor, jurats and bailiffs was afterwards held, at which it was resolved that all the orders and proceedings of the above general assemblies were illegal and void. Since this time no meeting has been held, at which the burgesses have formed a constituent part. The present free burgesses contend that the proceedings in 1750, so far from being illegal, were a recurrence to the ancient usage of the corporation, and that the exclusive government of the fisheries by the mayor, jurats and bailiffs had all along, up to that time, been considered an usurpation. The practice from the year 1661, the date of the earliest book that I saw, down to 1728, seems not to have been uniform. In the earlier part of this period almost the whole affairs of the corporation seem to have been transacted at the court leet. This court is held before the mayor. At a court leet, held the 21st October 1661, freemen were created; orders were made respecting dredging and fishing; a deputy mayor and a justice of peace were elected; and victuallers were licensed. The corporation appear at this time not to be conforming to the charter, as, according to its provision, the mayor was to appoint the deputy mayor, and the senior jurat only was to be a justice. These instances do not recur, but the election of chamberlain by this court took place many years later. Admissions to the freedom, and regulations relating to the oyster and other fisheries, at the court leet or general sessions, repeatedly occur down to the year 1728. During this period, however, the mayor, jurats and bailiffs, were concurrently exercising the same functions. In some cases the order is stated to be made by the court leet on the presentment of facts by the jury. The fines for infringement of the fishery regulations seem to have been imposed by the jury. At a court, held the 25th Nov. 1667, orders respecting the fishery were made "by the mayor, jurats, bailiffs and burgesses;" at this meeting a freeman was admitted. Two meetings, one on the 28th September 1668, and the other, the 18th August 1679, took place, both of which are stated to be meetings "of the mayor, jurats, bailiffs and burgesses." At the former of these, the disfranchisement of one jurat and the election of another took place, as also the admission of freemen; at the latter, orders were made respecting the fishery. In an entry of the proceedings of a court leet in 1698, there is a presentment, that whereas an order had been made in 1673, that no freeman should exercise two trades without the license of the mayor, it was ordered, that no freeman should exercise two trades "without the consent of the major part of the freemen." There are several entries, in the years 1716 and 1717, of courts of burghmote, where the orders are said to be made "by the mayor, jurats and bailiffs, with the unanimous consent of the freemen." These orders relate not only to the fishery, but also to the other affairs of the corporation. Upon this ancient usage, symptoms of which, it was said, have constantly appeared in matters of form up to the last few years, the free burgesses ground their claim to have a share in the management of the oyster fisheries. It was stated that about 16 years ago, at a time when the Milton fishermen were in great distress, a meeeting of the free burgesses of Quinborowe took place, at which it was resolved to contribute 100 guineas to their relief. The free burgesses stated that, upon this resolution being communicated to the chamberlain, he immediately paid the money. One of the members of the governing body remembered the fact of the money being contributed, but believed that the chamberlain had an order from the mayor, jurats and bailiffs to pay it. It was also stated, that a few years ago, at a meeting where the burgesses were present, some difference of opinion took place amongst the latter as to a purchase of oysters, and that the mayor had told the burgesses they might settle it amongst themselves, upon which a show of hands was taken.

The immediate cause of the assertion of this supposed right by the burgesses, and the cause of all the subsequent disputes and legal proceedings, was the enactment of a particular bye-law relating to the fishery. The last action which took place on this subject, was one brought against a free burgess for violation of some of the bye-laws. In this action, the right of the mayor, jurats and bailiffs to make bye-laws respecting the oyster fishery was tried, and decided in their favour. This result has not convinced the free burgesses of the invalidity of their claim, and a strong feeling of discontent, at what they consider the usurpation of the governing body, exists amongst them.

Complaints were made that the jurats had frequently been persons quite unacquainted with the management of an oyster trade. This is not the case at present. The discontent no doubt is much aggravated by the fact of the burgesses having no share in the election of any member of the governing body.

It was also made a subject of great complaint, that the free burgesses have for several years been prevented attending the audit of the accounts connected with the fishery. They conceive that they have a right not only to be present, but to take a part in the audit. It seemed to be agreed on by both sides, that, as far back as could be remembered, up to about the year 1815, the accounts were always audited at the Guildhall, and that the burgesses were always present, except upon one occasion, when, it was thought, they were excluded. The following circumstance seems to be a strong admission by the governing body of the right of the burgesses to be present at the auditing of the accounts. In the entry of a meeting of the mayor, jurats and bailiffs, on the 2d of August 1751 (the next succeeding meeting to the one mentioned above, at which it was resolved that the assemblies, where

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the burgesses formed a constituent part, were illegal, and the proceedings void), it is stated, that "at this assembly the common free burgesses (being thereunto required by a public notice put up at the market-house) attended." Then follows an account of the audit. Considering the disputes which had so recently taken place, the governing body were not likely to have given this notice, which might become a precedent upon which to found a right, if they had not considered the burgesses were entitled to it. The town clerk informed me, that at the time he or the chamberlain was reading over the several items of the accounts, the vouchers used to be given to some individual to check them by, and that frequently this individual was a burgess. The town clerk stated that he had frequently known one of the burgesses object to items in the accounts, and protest against their being passed without the consent of the burgesses, that this individual afterwards became a jurat, and was the person who first prevented the burgesses from seeing the accounts. The town clerk, however, stated that he had never known an item disallowed on objection from the free burgesses. The audits are all signed by the members of the governing body only. At the time referred to, an abstract of the accounts, containing the expenses of purchase, the sum paid for dredging, and the proceeds from the sale of the oysters, was always affixed upon a frame in the Guildhall. From the year 1815 to 1820 there appears to have been no audit; the several years accounts from 1816 to 1820, both inclusive, seem to have been all audited the same day, 11th August 1820. The town clerk accounted for this in the following way; that the individual above alluded to, who had become jurat during this time, insisted that the burgesses had a right to join in the passing of the accounts; and as the other members of the governing body objected to this, no audit took place. The last audit, at which the burgesses were present, was about the year 1821. There being at that time some dissatisfaction as to the state of the accounts, they were sent to one of the public-houses for the inspection of the burgesses. It was stated that, on this occasion, beer was given them by the governing body, in order to induce them to go to inspect the accounts. When the audit afterwards took place in the Guildhall, objection was made by some of the burgesses to the amount of an item for law charges. This seems to have given offence to the individual jurat above alluded to; and, since that time, no abstract of the accounts has been published, and the accounts have been audited at the Town-house, where no burgesses have ever attended. The town clerk stated that the reasons for the accounts having been since audited at the Town-house were, the confusion which took place at the Guildhall and the assertion by the burgesses of their right to interfere in the management of the fishery. The angry feelings, excited in some of the members of the governing body by the latter circumstance, seem to indicate that as the probable reason. One of the members of the governing body stated, that he did not think the burgesses would be refused admittance to the audit, if they applied; they, on the other hand, stated, that the time of the audit was now never known. It appeared that two burgesses had twice applied to see the accounts, and had been refused; but this application, it was thought, was not made at the time of the audit.

Remarks on the Constitution of the Governing Body.

36. If the claim of the mayor, jurats and bailiffs to the exclusive management of the affairs of the corporation be well-founded, it is impossible to construct a governing body upon whom a less check would be exercised by the body at large. Not only does the former body elect its own members, but it need not elect them from the burgesses. It was a subject of bitter complaint by the burgesses, that they had not the slightest control over the body, which had the entire management of the concerns upon which almost their entire subsistence depended. Reference was repeatedly made by them to the large oyster fisheries at Rochester, Faversham and Milton, as a proof that the management of such concerns might be safely and advantageously lodged in the hands of the fishermen. The state of the two former, though one of them only was connected, and that slightly, with the municipal corporation, incidentally came under the notice of the Commissioners, and it was undisputed that both were well managed. At Rochester, however, the corporation have some check upon the management; and at Faversham it has been found necessary to appoint a permanent committee. The Quinborowe fishery is of great magnitude, and of the utmost importance to the prosperity of the town; and, in order to avoid the risk of any laxity in the making and enforcing of judicious bye-laws, and to guard against the temptation, which might exist in unprofitable seasons, to encroach upon the capital, it seems very desirable that the management should be vested in some select body, as is now the case at Faversham. This would be effected, at the same time that the great cause of discontent would be diminished, if the resident burgesses were allowed to join in the election of the governing body. This would not entirely satisfy the burgesses, but I am unable to recommend any further alteration which would not be liable to objections. The least hazardous seems to be that of a jury or committee, elected every alternate or third year by the resident burgesses, who should have the power of making regulations respecting the fishery, subject to the approval of the governing body. Since the passing of the obnoxious bye-law in 1820, until within the last three years, there has been a strong feeling of animosity between the two bodies. The burgesses have constantly resisted the regulations of the governing body, and committed acts for the mere purpose of annoyance. The governing body, on the other hand, have treated them more oppressively than they need have done. The most expensive forms of action have always been chosen by the former; instead of indictments being preferred at the county sessions or assizes, criminal informations have been moved for, and indictments removed into the Court of King's Bench. There seemed no doubt whatever that this course had been adopted in order to distress and intimidate the burgesses. There is one subject connected with these law-suits which requires noticing; it is the granting of pensions to persons who have given evidence. An account of this transaction will be given in section 60.

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37. The Mayor is a justice of the peace within the borough. The senior jurat is also a justice, but the mayor is always first applied to, and does the principal part of the business. He presides at the general sessions for the borough. It was stated that the mayor had sometimes gone out of the borough, to Minster and Sheerness, to administer oaths for affidavits, to enable persons to receive their pensions, there being no county magistrate within the island. Mayor, functions of.

He also holds the court leet and court baron.

He is clerk of the market. He occasionally sends one of the serjeants at mace to the different shops to ascertain the correctness of the weights and measures. No objection is ever made to the examination by this officer.

It was stated that a great portion of the mayor's time was taken up with the duties of his office; that he was much occupied in giving directions relating to the fishery, in the management of which he seems to have a discretionary power.

He has a salary of 80*l.* He has also two leezes upon the green. A leeze is a right of depasturing 24 sheep, and three cows or two horses, all the year: it is estimated as equivalent to seven or eight acres of pasture land. The mayor usually lets his leezes at a rent of 28*l.* The corporation pay all the charges upon them. He is also entitled to 5*l.*, a bequest under a will. He used to receive a toll upon provisions sent from the town to the London market: the toll was chiefly taken upon lobsters. This was discontinued some time ago, from an impression that it prevented persons bringing provisions into the town.

He is considered to be entitled to oysters for the supply of his own table: the quantity claimed is inconsiderable. Some dispute arose upon the mayor's claim to oysters 10 or 12 years ago, in consequence of which the then mayor made an order, that a sample should be taken to him out of every vessel that brought oysters, at the time of laying them. This practice still continues; 80 or 100 oysters are taken from each vessel, but are frequently returned as being out of season.

The mayor generally gives seven dinners in the year to the mayor, jurats, bailiffs, town clerk, and to the recorder, if he be in the town: these are on the charter-day, two days of general sessions, and four quarterly court days.

The expenses of the office amount on the average to 50*l.* or 60*l.* in the year.

38. The Deputy Mayor is not considered to be a justice of the peace. With this exception, he exercises all the functions of mayor in the absence of the latter. Deputy Mayor, functions of.

39. The Recorder's duties are confined to those of attending the general sessions, at which he conducts the business, when there is any. He is not a justice of the peace. Steward or Recorder, functions of.

His salary is 10*l.* 10*s.*

40. The functions of the Jurats have been mentioned in describing the constitutional details of the corporation. Jurats, functions of.

The senior jurat is also a Justice of the peace.

No parochial office is ever imposed upon jurats.

They have no emoluments.

41. The functions of the two Bailiffs are very different from each other; they were apportioned by a bye-law in 1728: it will be necessary to mention them separately. No parochial office is ever imposed upon the bailiffs. Bailiffs, functions of.

The functions of the Land Bailiff are, the making arrangements for the depasturing of the green, and keeping the sea wall in repair. The duties are very slight. He has a salary of 4*l.* Land Bailiff.

The Water Bailiff has the principal management of the oyster fishery. He advises the governing body as to the sum required to be expended in the purchase of oysters for laying. He hires the vessels to be sent out for them, and instructs the agents: he himself frequently goes out to make the purchases. He superintends the laying, and in the dredging season he regulates the stint, or quantity to be taken. The fishermen, while dredging, are under his control. The following is the manner in which the sale of the oysters is conducted. A certain number of vessels is hired to carry the oysters to London. The water bailiff, or his deputy, takes an account of the quantity of oysters freighted by each vessel; the oysters are then secured by a lock, of which the salesman in London has a key; no account of the quantity freighted is sent to him. When the vessel arrives in London, the salesman takes an account of the oysters as he sells them on board the vessel. He sends to the chamberlain the account of the quantity made out, and his account and that of the water bailiff form a check upon each other. A constant correspondence is kept up between the salesmen and the water bailiff, by which means the supply is proportioned to the market. If too large a quantity happen to be sent to London, and cannot be sold, they are sent back and relaid. In the early part of the season three vessels in the day are frequently sent. At that time there are three salesmen in London, independent of each other: every vessel is consigned to a particular salesman, who keeps his separate account with the corporation. The allowance to each salesman is after the rate of 3*l.* in the week; but he is only paid for such days as he is employed. All the remittances of money are made by and to the chamberlain. Water Bailiff.

The duties of the office of water bailiff are very important, and require constant attention and superintendence for nearly the whole year.

It may admit of great doubt, whether it would not be advisable that the duties of this office should be performed by a person not a member of the governing body, constituted as that body now is. The enforcing of bye-laws and penalties will necessarily be an unpopular office. But it seems probable, that the prejudice against the person, who has to enforce them, is much increased by the knowledge, that this person has himself assisted in enacting them.

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them. Some of the burgesses informed me, that this had been the case with respect to the present water bailiff in the enforcing of some bye-laws, which were considered particularly objectionable. It seems liable to objection also, that, in the examination of such important transactions as those with which the water bailiff is entrusted, that person should form one of the examining body.

The salary of the water bailiff is 108 *l.* This salary was secured to him for 10 years, one year of which has expired, by a bond from the corporation. He stated that, on his first being elected into this office, the corporation were too poor to remunerate him sufficiently for the duties of it, and on that account they made interest with the Government to appoint him master of an Ordnance vessel. The duties of this situation appear to have been nearly nominal; the salary was 108 *l.* In consequence of some representations, which were made to the Ordnance Board, he was required to attend more regularly than he had done to this vessel. This was not practicable with his duties as water bailiff. The corporation then offered to give him the same salary as the Government had done, if he would resign his situation under the Ordnance Board. This he consented to do on being guarantied the salary for 10 years: the corporation then gave him a bond insuring the salary for this period. Before the 10 years expired, he applied for a bond to secure the salary for 10 years more from that time; this, he stated, he did, because several deaths had taken place in the governing body, and he felt some apprehension that the new members might not consent to the renewal of his salary. A second bond was executed about a year ago.

He has also 2 *s.* 6 *d.* for each vessel of which he superintends the loading: this allowance amounts to about to 30 *l.* or 35 *l.* in the year. He also receives, out of the surplus measure, the same stint as each of the fishermen. The quantity, which each dredger is allowed to take, is called his stint. The oysters, on being measured into the vessels, always make out more than the proper number of stints; out of this surplus quantity, one stint is called the water bailiff's, and he is allowed upon this the same sum as each dredgerman. This allowance last year amounted to about 25 *l.* He is also allowed the same sum for assisting in laying the oysters, as each dredger employed: this on the average amounts to 1 *l.* or 2 *l.* in the year.

Serjeants at Mace, functions of.

42. The Serjeants at Mace attend all courts and meetings, as servants of the corporation.

The first serjeant at mace collects all the town dues, quay rates and ground rents. An account of these will be given in sect. 60.

He is deputed by the mayor to examine weights and measures.

He is authorized by the corporation to measure all the coals imported by water into the borough for sale; for which he receives 4 *d.* per chaldron from the purchaser. As almost all the inhabitants buy from some merchant in the town, and not from the vessel, this practice of measuring seems to be of no use.

He is also gaoler.

He is also sworn as high constable, to serve the justices' precept upon the overseers, to collect the borough rate. He receives no emolument from this office.

He has a salary of 2 *l.* He receives 3 *s.* 6 *d.* each day on which he is in attendance at any court, or upon the mayor; the amount of these is, on the average, 1 *l.* 6 *s.* in the year. He has a fee of 3 *s.* 4 *d.* on every admission to the freedom, which amounts on the average to 10 *s.* in the year. He receives half of the town dues which he collects, which, upon an average of the last three years, amounts to 11 *l.* 10 *s.* in the year. He is entitled to 1 *s.* in the pound upon his collection of the quay rate; but he stated that he had never received anything from this. He receives 3 *l.* 3 *s.* for collecting the ground rents. He receives 5 *l.* for examining weights and measures. He has also a pension from the corporation of 1 *s.* a day, which item will be noticed in sect. 60. He has also a stipend from Government of 5 *l.* for taking care of the castle well. He lives at the Town-house, for which he pays no rent or taxes.

The second serjeant at mace winds up the Guildhall clock, for which he has an allowance of one third of a leeze on the town green, commuted by the corporation for 3 *l.* 6 *s.* 8 *d.* He has a salary of 2 *l.* He receives 3 *s.* 6 *d.* each day on which he is in attendance at any court, or upon the mayor; this amounts to about 1 *l.* 6 *s.* in the year. He has a fee of 1 *s.* 8 *d.* on every admission to the freedom; amounting to about 5 *s.* in the year. He is also ale connor, from which office he receives about 6 *l.* in the year. He has a house under the school, for which he pays no rent or taxes.

Constable, functions of.

43. The Constable has no duties beyond those of a peace officer. He has 2 *s.* 6 *d.* for every court at which he attends, and the usual fees of office.

Town Clerk, functions of.

44. The Town Clerk is the general legal adviser of the corporation. He attends all corporate meetings, and enters all the proceedings. He attends the general sessions of the peace, as clerk of the peace and of indictments, and the petty sessions as clerk to the magistrates. He attends the court leet and court baron, and acts as steward. The whole of these attendances he averages at 50 or 60 in the year. All the duties of the office are done by the junior town clerk, who is son of the other.

One of the town clerks is coroner for the county. It appeared that the other town clerk had occasionally held inquests for him within the borough. He declined stating whether or not he was in the habit of holding inquests, as coroner, in the county; but it was stated by others that he had frequently done so.

The town clerk has no salary. He has a fee of 10 *s.* on every admission of a freeman; these fees amount to about 1 *l.* 10 *s.* in the year on the average. He has also 5 *s.* for the copy of every freedom. He has 16 *s.* for every indenture of apprenticeship and duplicate which he prepares. These charges average about 2 *l.* 8 *s.* in the year. He has the usual fees, as clerk to the magistrates, which average about 3 *l.* 7 *s.* in the year. He has a fee of 2 *s.* 6 *d.*

2*s.* 6*d.* upon preparing each licence for trading within the borough, which fees last year amounted to 17*s.* 6*d.* He has a fee of two guineas for attending each general sessions and court leet: which fees amount to 8*l.* 8*s.* in the year. He has one guinea for attending each special assemby of the mayor, jurats and bailiffs, the number of which is uncertain. He makes out a professional bill for all other business. This bill amounted in 1832 to 95*l.* 15*s.* 3*d.*, of which 39*l.* 12*s.* 4*d.* had been paid by him for stamps; in 1833 it amounted to 111*l.* 12*s.* 11*d.*, 33*l.* 13*s.* 11*d.* being for stamps. The large amount paid for stamps is caused by the money transactions of the corporation respecting the oyster fishery.

Chamberlain, functions of.

45. The Chamberlain is the treasurer of the corporation; the whole income and expenditure pass through his hands. The principal accounts relate to the oyster fishery. The proceeds from the sale of the oysters he receives direct from the salesman. The water bailiff gives him an account of the quantity of oysters purchased, and he remits the purchase-money to the merchants. All other expenses relating to the fishery he pays, on receiving the account from the water bailiff. It is his duty to examine the water bailiff's accounts. The account of oysters sent to London for sale he checks by the account of the salesman in London. He then passes the water bailiff's accounts, and carries them, with the other accounts, to the general audit. The mayor seems to have a discretionary power to make orders for the payment of any contingent expenses. His signature is a sufficient authority to the chamberlain to pay money; and without it he pays nothing, except such items as are invariable, such as salaries and taxes. The accounts are kept in several books. Two books contain the account of all the oysters caught and sold during the season; each book is for a different species of oyster. One side of the account contains the net proceeds from each vessel-load of oysters sent to London, as returned by the salesman there; the other side contains the water bailiff's return of the number sent by each vessel; so that the two are a check upon each other. The net proceeds, after payment to the burgesses for dredging, are then carried to a third book, in which are entered the remittances to foreign merchants for the purchase of oysters, the expenses attendant on the purchase, the money borrowed for the purchase, and the outstanding debt, and also the payment of any salaries or expenses out of the fishery; so that this book shows the exact state of the fishery affairs. Separate books are kept for the charities, for the tolls and dues, for the quay rate, and for contingent expenses. The floating capital of the corporation is lodged in a bank in the name of the chamberlain. This account is never mixed with a private account. Any member of the governing body, it was thought, had a right to inspect it at any time. An order was made, 30th December 1832, that the chamberlain should never keep in his hands above 500*l.* The audit used, until the present year, to be entered in each of these books. All these accounts are now carried into one book, where a general balance is struck, and where the audit is entered. The balance in each separate book is carried on, after the audit, in that book. There are at present four audits in the year. The whole of the governing body usually attend. The manner of holding the audit was mentioned in sect. 35.

The chamberlain's salary is 80*l.*; he has no other allowance whatever. Up to two or three years ago the chamberlain had a per centage upon all the monies passing through his hands instead of a salary. By an order of 31st December 1821 this was fixed at one per cent. It was thought that this per centage had never exceed 200*l.*

The chamberlain, until the present year, was allowed a clerk, to whom a salary of 20*l.* was paid by the corporation. This has been discontinued.

Borsholders, functions of.

46. The Borsholders are considered to be under the control of the constable. They have the usual fees of office, and 2*s.* 6*d.* each for every court which they attend.

Gaoler, functions of.

47. The duties of the Gaoler are almost nominal. The office is held by the senior serjeant at mace. He has no separate salary for it.

Deputy Water Bailiff, functions of.

48. The Deputy Water Bailiff is under the entire control of the water bailiff, whom he assists in his several duties. He is allowed for a stint, in the same manner as the water bailiff, mentioned in sect. 41. This allowance last year amounted to about 25*l.* He also receives 2*s.* 6*d.* for each vessel of which he superintends the loading. It is usual for him to dredge until five boats have finished dredging; he then superintends the loading of vessels.

Ale Conner, functions of.

49. The duties of the Ale Conner are to visit all the public-houses to ascertain the quality of the beer sold. He informed me that he should send back to the brewer any beer that was not good; but such a circumstance was never known to have happened. He collects the corporation toll of 6*d.* on every barrel of beer sold.

His emolument from this office is half the toll he collects, which last year produced him 6*l.*

This office is held by the second serjeant at mace, whose functions are mentioned in sect. 42.

Freemen, privileges of.

50. The burgesses are exempt from the town dues or tolls, harbour dues, and quay dues, each of which will be mentioned in sect. 60.

They have also the exclusive privilege of trading within the town; non-freemen being obliged to obtain a licence from the corporation to do so.

The charter exempts them from various tolls throughout the kingdom.

Their most important privilege is that of dredging for oysters within the fisheries of the corporation.

The right which they claim in the management of these fisheries, has been mentioned in sect. 35.

The following is the manner in which the dredging is regulated. It is considered that

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all the burgesses have a right to dredge, but as the oysters would soon be exhausted, and the market overstocked, if all were allowed to catch as many oysters as they chose, the water bailiff every day fixes the stint, that is, he regulates what quantity each burgess, who happens to be dredging, shall be allowed to catch. This seems to have been the practice as far back as the entries in the corporation books extend. The price, which each burgess receives for his stint, is regulated by the market price of oysters, and the state in which the finances of the fishery are, as the difference between the net proceeds of the oysters and the sum allowed for dredging during the season, ought, after payment of the many incidental expenses, to be sufficient to purchase oysters for restocking the beds. This, however, is frequently not the case, as a bad season, or other circumstances, may reduce the oyster beds to such a low state, that although the stint and the allowance upon it are diminished, the corporation are obliged to borrow money to make up the deficiency. In some of the early entries it appears, that the allowance for catching was one-half of the net proceeds of the oysters; at present it is not regulated in the same manner, but it is not nearly so much. Arrangements of this nature are from time to time made by bye-laws. The origin of all the disputes and legal proceedings, adverted to in sect. 35, is supposed to have been a bye-law made by the governing body in 1820, which was particularly objectionable to the burgesses.

This bye-law enacted, that all free burgesses, who wished to be employed in the fishery, should, before the last day of July, enrol their names in the water bailiff's book, engaging to dredge every day, when oysters were directed by the governing body to be caught. In case of non-attendance, or not obeying the water bailiff's directions in catching, laying or cleansing, or other matters relating to the fishery, they were to forfeit 1*s.* for each offence at the discretion of the water bailiff, but subject to the investigation of the governing body. If a sufficient number of burgesses should not enrol their names, the water bailiff was authorized to employ as many non-freemen as he should think necessary.

Upon the promulgation of this bye-law, the right of the mayor, jurats and bailiffs exclusively to make bye-laws regarding the fishery, was questioned. A general resistance by the burgesses to several of the regulations of the governing body took place. Actions were brought against persons for resisting them, an injunction was obtained against several, prohibiting them from dredging, and, from about the year 1820 to 1828, nearly a constant litigation was maintained between the governing body and the burgesses. It is estimated that nearly 20,000*l.* were expended in these proceedings. During one or two seasons the fisheries were turned to little or no use, a considerable portion of the capital was applied to paying the expenses of the governing body in these proceedings, the effects of which circumstances are sensibly felt at the present time. The consequence of all these things was, that strong feelings of irritation and violent animosity were excited, not only between the two bodies, but more particularly between individuals of each body. The burgesses complained vehemently of the manner in which the governing body had exercised a power of preventing burgesses from dredging. It was represented to me, that, in some cases, this power had been exercised from political motives, in others, from prejudice and ill-will towards persons who had been forward in asserting the right of the burgesses. Instead of allowing the burgesses to dredge as a matter of right, so long as they observed the bye-laws, the governing body caused a paper to be placarded, in which the names of certain persons were inserted as being permitted to dredge, and no one whose name was not inserted was allowed. Nearly all the persons, who formed the governing body at the time alluded to, have since died: the water bailiff was the only person who attended the inquiry, who was a member of the governing body at the time. He expressly denied that that body had ever been influenced by the motives imputed to them. He did not remember the circumstances attending all the cases mentioned to me, nor the reason of the refusal of permission to dredge in every instance; but he expressed his conviction, that every case of refusal was occasioned by resistance to some bye-law, or improper conduct in the fishery. During the time of these disputes, a candidate for the representation of the borough in Parliament, who was supported by a large majority of the resident burgesses, was supposed to interest himself very much in favour of the claim of the burgesses to a share in the management of the fishery. It seemed to be admitted on all sides, that the latter circumstance excited a strong desire in the governing body to prevent his being returned as Member, and no exertion was spared by the body to effect this object. Several burgesses attributed the refusal given to them, of permission to dredge, to their support of this candidate. The town clerk stated, that political feelings had never influenced the governing body, but that probably some prejudice might have been created against those, who wished to destroy the constitution of the corporation as it then existed: he thought, however, that every refusal was occasioned by some resistance to the bye-laws, or violence of conduct. The evidence was so contradictory, that it was impossible to come to any decisive conclusion upon it. It seemed very probable that the governing body had exercised this power of refusal in some cases of persons, who had made themselves offensive to them, by abetting such as resisted the bye-laws, or who took a prominent part in the angry disputes or turbulent conduct which prevailed at the time, but who had not themselves resisted the bye-laws. There can be no doubt that this power was often exercised for the purpose of intimidation, as well as of protection to the fishery; but the prejudices on both sides are so strong, that exaggerations must be inferred, and, upon such evidence, it would not be just to say that the personal motives imputed were satisfactorily proved.

The number of burgesses at present in the habit of dredging is about 90. The sum earned in dredging by each of them last year, was about 25*l.*: a sum of about 1*l.* or 1*l.* 5*s.* each is earned by most of them in laying the oysters in spring.

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The charter exempts the burgesses from being called to any muster, or compelled to use arms out of the borough.

Jurisdiction of the Corporation.

51. The charter gives the Corporation Jurisdiction within the borough in the following courts:

The Court of General Sessions,
The Court of Record,
The Court Leet, and
The Court Baron.

The charter does not give the corporation exclusive jurisdiction, so that the borough is subject also to the county justices.

General Sessions.

The court of General Sessions is held twice in the year, about Michaelmas and Easter, before the mayor and senior jurat as justices.

The court has no jurisdiction in cases of felony.

The recorder always attends and conducts the business, when there is any, but he is not a justice. The juries are summoned by the serjeant at mace, from the inhabitants generally. He makes out a list of such persons as he thinks proper. This he shows to the mayor before summoning them. It is not usual to summon a petty jury, unless it is known that some case of misdemeanour is to be tried. Twelve or thirteen persons are summoned for the grand jury. The town clerk is clerk of the peace.

If any case of misdemeanour of importance or local interest were to arise, it would be removed to the county sessions. No case of misdemeanour has been tried within the last 10 or 15 years.

There being only two justices, no appeals are ever tried.

Petty Sessions.

The Petty Sessions are held every Monday, before the mayor and senior jurat, if the latter be required. The town clerk attends as clerk to the justices.

Court of Record.

The Court of Record is directed by the charter to be held before the mayor and steward. It appears not to have been in operation within the last 100 years.

Court Leet.

The Court Leet is held twice in the year, on the same day as the court of general sessions. It is held before the mayor or his deputy. The town clerk always attends and manages the business, as steward. The recorder is always present, and, according to the charter, seems to be strictly the steward. The jury is summoned by the serjeant at mace, in the same manner as the jury for the general sessions. The names of the resiants within the borough are called over. Those who do not appear are fined 5*s.* each. Generally all attend. If a person have any other engagement, he applies to the mayor to be excused. The number of resiants is about 140 or 150. About 12 years ago, the jury were accustomed to go round the town, on the court day, to examine the weights and measures. They are now sworn into office for six months, and two or three of them together at different times go to examine them. The time of their doing so is not known previously. Only one instance was remembered of the jury presenting a nuisance. Nothing was done upon the presentment, but an indictment was preferred. The claim made by the burgesses, as to the right of the court-leet jury to manage the affairs of the fishery, has been mentioned in sect. 35.

Court Baron.

The Court Baron is held with the court leet. There are about 18 or 20 suitors, but no homage is sworn. The names of the tenants are called over, and each is fined 4*d.* except one, who is fined 8*d.*

The fee-farm rents are received at this court once in four or five years.

Police.

The constable and borsholders form the Police of the town.

Extension of Jurisdiction.

52. The Jurisdiction requires no Extension.

Jurisdiction in the Vicinity.

53. The only court, exclusive of the county court, having jurisdiction within the Isle of Sheppy, is the manor court at Milton. This is a civil court, having jurisdiction to the amount of 40*s.*, and extending over the island, with the exception of the borough of Quinborowe. It has, however, fallen into disuse for above a century. There was a general concurrence of opinion as to the want of a court for the recovery of small debts. I was informed that this want was felt all through the island. I was also informed that great inconvenience was experienced in the island from the want of county magistrates, not one of whom is resident within it. The population of the island, at the time of the census of 1831, was about 8,000.

Gaol.

54. There is a small Gaol under the Guildhall, consisting of two rooms, each about 12 feet square. Persons are very rarely confined in it. A composition has been made by the corporation with the magistrates of the county, by which they are enabled to commit to the county gaol, on paying a certain sum for the maintenance of the persons committed.

Borough Rate.

55. A Rate for the Borough, in the nature of a county rate, is made once in three or four years. The usual charges upon it are, the gaoler's salary, the repair of the gaol, the maintenance of prisoners, and the payments to constables. The rate usually made is one of 1*s.* in the pound upon the poor-rate assessment. This produces about 80*l.* No publication of the accounts connected with this rate is ever made.

Poor.

56. Besides the poor-rate made under the statute of Elizabeth, a rate called an ability-rate, authorized by a local Act of Parliament, is collected. This Act, passed in 1766, recites that the borough is of very small extent, and the property within it of very inconsiderable value; and that, from the incompetence of the estates to furnish a sufficient poor-rate, an

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usage had immemorially obtained for the overseers, by the allowance of the justices, to lay a tax upon the inhabitants according to their ability. It then authorizes the churchwardens and overseers to assess the sum necessary for the maintenance of the poor, and to tax the inhabitants and occupiers of real property, and every person having personalty within the borough, according to the value of their interests, in aid of the poor-rate. The proportion of taxation upon the members of the bench of the corporation and other inhabitants is given. That upon the former is not to exceed 12*s.*, and upon the latter 8*s.* This rate is to be allowed by the justices. Whenever a poor-rate is made, an ability-rate also is made. The poor-rate is supposed to be assessed upon two-thirds of the real value, but it is not at all equally proportioned. Three rates, and sometimes four, of 4*s.* in the pound each, are generally imposed. A rate of 4*s.* produces about 320*l.*

Patronage and School.

57. The mayor, jurats and bailiffs appoint to the perpetual curacy of the parish.

There is a Free School within the borough, chiefly supported by the corporation, they contributing 40*l.* annually to the master. The stipend used to be 80*l.*, until the disfranchisement of the borough, each of the Members of Parliament giving 20*l.* The master is a farmer, living about four miles distant from the town; he attends every day except Saturday. About 30 boys attend the school. Freemen pay for pens and ink for their children, but nothing for instruction. The non-freemen pay a small charge.

Minister's Rate.

58. A custom seems to have existed ever since about the year 1728, for the mayor, jurats and bailiffs, at their discretion, to impose a rate upon the inhabitants of the borough for increasing the income of the incumbent of the church. This rate is imposed nearly every year; the corporation refused to impose it two or three years ago, on the clergyman taking other duty in the neighbourhood, through which he was able to perform only one service on a Sunday. An observation was made, that the governing body had at times made the imposition of this rate dependent upon the clergyman concurring with them in political opinions, but sufficient circumstances were not mentioned to give any weight to this observation. The rate imposed is 1*s.* in the pound upon the poor-rate assessment, and produces about 80*l.* The remaining income from the church was stated not to exceed 70*l.*

Licences.

59. There are two licensed public-houses within the town; the same two have been licensed for many years.

Revenue of the Corporation.

60. The following Table contains all the receipts, which have come into the hands of the chamberlain, and the whole expenditure of the corporation, for three successive years. The year begins and ends in June or July.

INCOME.

Years.	Balance in Hand from previous Year.	Receipts from Oysters.	Money Borrowed.	Rents.	Tolls, Dues, Licences, and Admissions to Freedoms.	Quay Rate.	Charities.	Contingencies.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830–1	391 19 11	7,128 10 –	5,940 – –	72 10 2	62 6 3	16 3 7	67 6 6	266 17 –	13,945 13 5
1831–2	542 5 –*	12,159 – 10	4,900 – –	70 8 2	52 4 9	34 5 4	30 – –	254 1 8	18,042 5 9
1832–3	630 3 1½	12,852 12 2	3,305 – –	83 17 4	39 9 1	16 – –	37 1 6	36 10 8½	17,000 13 11

EXPENDITURE.

Years.	Purchase of Oysters, and Expenses attendant.	Laying, Catching, Merchants, Salesmen.	Debt paid off, and Interest.	Payments in Nature of Salaries.	Permanent Outgoings.	Charities.	Annuities.	Contingencies.	TOTAL.	Balance in Hand.	Outstanding Debt.	Credit due in London for Oysters.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830–1	6,328 1 7	3,067 13 4½	3,119 19 –¾	464 – –	84 1 –½	42 10 6	159 15 –	137 7 11	13,403 8 6	542 5 –*	14,247 9 2	—
1831–2	8,065 13 8½	3,511 11 9	4,714 – 8	381 6 8	144 8 10	37 10 –	159 15 –	397 16 –	17,412 2 7½	630 3 1½	15,027 9 2	—
1832–3	6,093 1 11	3,909 5 2½	5,574 1 3	476 18 7½	30 12 6	36 14 –	146 1 3	144 10 5	16,411 5 2	368 5 2	13,637 9 2	221 3 7

Some account will be given of the several items of the year ending June 1832.

Receipts from the Oyster Fishery.

The nature and management of the Oyster Fishery have been detailed in the preceding sections. All the inhabitants seemed to concur in thinking, that, with proper management, the concern would soon become very flourishing. The receipts from the oysters of course are nearly proportional to the quantity of oysters purchased in the spring; the latter depends in a great measure upon the state of the finances of the fishery. In a prosperous state the proceeds in one season ought, after deducting the sum paid to the burgesses for dredging and all other expenses,

* There is an error of 1 *d.* in this item, which is the cause of the two sides of the account for the year 1830–1 not agreeing accurately.

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expenses, to be sufficient to purchase brood oysters for re-stocking the beds. This, however, has seldom been the case; it has been necessary nearly every year lately to borrow money for this purpose. During the years between 1820 and 1830, the fishery suffered every kind of disadvantage. For two or three seasons it was entirely neglected, neither laying nor dredging took place; and during these 10 years, large sums of money, to the amount, as the water bailiff said, of between 10,000 *l.* and 11,000 *l.*, were taken from the funds of the fishery to pay the costs of the governing body in the several proceedings at law and in equity. Amongst these was an action of slander, brought by the water bailiff against a burgess, in which one farthing was recovered for damages. The difference in the receipts of the three several years given above is therefore easily accounted for, by the circumstance of more or less money having been borrowed to purchase brood. The proceeds from the present season are expected to be less than those of the last, the corporation not having the opportunity of borrowing as much money as they wished. These items of receipts are net, so far as respects certain charges payable to the city of London, and some small expenses attendant upon the sale at Billingsgate, but not as to the allowance to the salesmen, or expense of conveyance, which will appear on the other side of the account.

Money Borrowed.

The cause of the item, Money Borrowed, has been just explained. The security given is the bond of the corporation, under the common seal.

Rents.

The Rents are chiefly derived from houses and other buildings within the town. There are about 40 or 50 of these tenements altogether. They are almost all let upon leases of 60 years, renewable at the expiration of this term for other 60 years. The leases were stated to have been originally building leases, upon which no fine was taken; upon renewal a fine, amounting to seven years' ground-rent, is paid. A few of the leases are upon lives. There have been no new leases within 10 years, with the exception of one or two, granted for years upon surrenders of leases for lives. An enfranchisement of some property took place in 1824, which excited some interest amongst the burgesses. The then mayor held four leases for terms of 60 years, renewable at the end of the terms, of four pieces of ground adjoining each other; one lease had been granted to him in 1800, at a rent of 4 *l.* 11 *s.*; another in 1803, at a rent of 14 *s.*; the other two leases had been granted to other persons in 1779, one at a rent of 3 *l.*, and the other of 12 *s.*, and had come into the possession of this mayor by assignment. No fines had been paid upon the granting of the leases; but as the ground let upon the two former was waste ground, and as there were only very small tenements comprised in the latter, the rent reserved was considered not an unfair one. Upon part of this ground the mayor laid out 3,000 *l.* in building a house. In 1823, a pension of 1 *s.* a day was granted to him and his wife and the survivor, by the corporation, which will be mentioned in the course of the present section. In 1824 he agreed with the corporation to release this pension, on having an enfranchisement of the property comprised in the four leases. The pension and property were each valued at 160 *l.* The burgesses complained that the transaction was an unfair one, the property having been enfranchised for too small a sum.

Besides the rents of the houses, there are included in this item the rent of one leeze, and a third of a leeze, on the Town-green. An explanation of this term was given in sect. 37. The green consists of about 240 acres, and, originally probably, belonged to the corporation. It is calculated to contain 31 ⅓ leezes, but sometimes produces rather more. The corporation have still the fee, but the only possessory interest they have in it is that of 3 ⅓ leezes. Two of these leezes are always granted to the mayor, free from all charges, which he lets, and for which he receives a rent of 28 *l.* One-third of a leeze is allowed to the second serjeant at mace, but the corporation commute this for 3 *l.* 6 *s.* 8 *d.*, let it, and receive the rent of it. A few years ago, the corporation possessed about six acres of land, which they exchanged with the person mentioned above as mayor in 1824, for a leeze upon the green, which leeze forms the remaining leeze mentioned as belonging to the corporation. In the account ending July 1833, the rent of two leezes is stated to have been received by the corporation. The leeze-owner pays the several assessments on the land, the heaviest of which is the wallscot: this is a charge upon the land for the repair of the sea wall: it averages about 5 *l.* a leeze in the year at present, but has been as high as 15 *l.* Exclusive of this charge, a leeze is estimated at 14 *l.* rent.

Other Property.

Besides the property above-mentioned, the corporation are possessed of the Guildhall, the Town-house and the school: the serjeants at mace have houses in the two last, but no rent is received from them.

Tolls.

The corporation collect a Toll, in the nature of a toll thorough, upon all goods brought into the town for the purpose of merchandize. The tolls are, upon every waggon 6 *d.*, cart 3 *d.*; for every horse or ass, laden, 1 *d.*, for every hawker 1 *d.* These tolls amount to about 23 *l.* in the year; they are collected by the senior serjeant at mace, who retains half of them; the net amount only is included in the account above given.

The corporation are also entitled to a toll upon all merchandize landed upon the quay: the toll varies from 1 *d.* to 1 *s.* A table of the tolls is kept, but not printed. This toll has not been demanded from the inhabitants for the last few years, in consequence of their contributing to the quay-rate mentioned below.

Harbour Dues.

Harbour Dues are taken for every vessel, not the property of a burgess, receiving or delivering a cargo, or lying for repairs, within the water limits of the borough. The due is, for a foreign vessel delivering a cargo 1 *l.*, for an English vessel 4 *s.*; there are other rates of dues in case of their stopping a tide, but not receiving or delivering; also 3 *d.* for every ton of

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of cargo received or delivered. No collection is made from the small craft. There is often great difficulty in collecting these dues.

Licences to Trade.

No person is allowed to trade within the borough without a licence from the corporation. The fee upon the licence is 1 *l.* to the corporation, and 2 *s.* 6 *d.* to the town clerk for making out the licence. About seven persons take out this licence.

An instance was stated to have occurred 30 or 40 years ago, of the mayor having refused a licence to a person, on the ground that he would injure another person in the same trade. It was also stated, that butchers in the neighbourhood had said that they wished to exercise their trade within the borough, but knew that a licence would not be granted to them. No instance, however, of application and refusal could be mentioned.

Admissions to the Freedom.

The fee to the corporation, on an Admission to the Freedom, is 2 *l.*: the average annual number of those admitted by birth and servitude within the last 20 years is about eight. The corporation have not usually received a fee from the honorary freemen.

Quay Rate.

A new quay was built seven or eight years ago, at an expense of between 300 *l.* and 400 *l.* This sum was borrowed upon an annuity of 32 *l.* for the lives of two persons. In order to raise this annual sum, a rate of 1 *s.* in the pound upon the poor-rate assessment has been frequently made upon the inhabitants. This rate is calculated to produce above 40 *l.*, but it has seldom been all collected, as several persons have always refused to pay. There seemed to be some dissatisfaction at the new quay having been built. It was said that the old one was quite sufficient, and that the reason for building the new one, was the wish to give employment to an individual. Both these facts were denied by the members of the governing body. The last rate was made in 1831; the receipt under this head in the year ending July 1833 is for arrears.

Charities.

These are all specific Charities, of which the corporation are trustees. The difference in the sums in the three years arises from the accumulation of small sums.

Contingencies.

The sum of 254 *l.* 1 *s.* 8 *d.*, under the head of Contingencies, is made up as follows:

£. 122. 8. 8. arises from premiums on remittances to Jersey and France on the oyster account, caused by the difference of exchange.

£. 100 is the repayment by the land bailiff of part of a sum of 400 *l.* advanced to him to repair the sea wall. 30 *l.* is interest paid by him on this loan; and 1 *l.* 13 *s.* is the amount of some fines.

Expenditure of the Corporation.

Many of the items of Expenditure require no explanation.

The second column on this side of the account gives the sum actually paid to the members of the corporation employed in the different departments of the fishery concern. That part of the expenses attendant on the sale, which is paid to the city of London, or to persons unconnected with the corporation, was deducted from the receipts in the second column of the other side of the account.

Debt paid off.

As will be seen by the tables, there is a constant fluctuation in the Debt of the corporation. They seldom find much difficulty in obtaining the loan of what money they want, and are thus enabled to pay off any bonds upon which the holders wish to receive their money.

Payments in the nature of Salaries.

All the Salaries have been given in the preceding sections, in the account of the functions of the various officers who receive them. The variations in the three years arise partly from arrears from previous years coming into the accounts of later years, and partly from some of the officers having been, until lately, paid by a per-centage, as has been mentioned.

Permanent Outgoings.

The principal item, under the head of Permanent Outgoings for the year 1831–32, is a bill of the town clerk's, amounting to 88 *l.* 8 *s.* 10 *d.*; this includes a considerable sum paid by him for stamps. No bill of his appears in the preceding and following years, but two have been paid since the latter. Some of the other items are, rates, assessments and land-tax, amounting to nearly 25 *l.*; the wallscot on the corporation leezes, 16 *l.* 13 *s.* 4 *d.*; and dinners to the leet and sessions juries, 8 *l.* 6 *s.* It is usual to allow each jury 2 *l.* 2 *s.* for a dinner on the day of holding the court.

Annuities.

The sum, under the head of Annuities for the year 1831–32, is made up of the following items; annuity for the money borrowed on the building of the quay, as mentioned above, 32 *l.*; pensions, 127 *l.* 15 *s.*

Pensions.

The system of disfranchising members of the corporation, in order to give evidence against the right set up by the burgesses, was mentioned in sections 20, 23, & 34. In 1821, several burgesses were disfranchised, and about the same time also the then mayor and a jurat, all of whom, after the respective trials, were restored to their former situations. In 1822, pensions of 1 *s.* a day were granted by the mayor, jurats and bailiffs, to each one of these burgesses and his wife, with benefit of survivorship, and in 1823, the same grant was made to the mayor and jurat in the same manner. The consideration stated in the former grants, is, "services as mariner," and in one case, "services as serjeant at mace." It was stated that the pension was granted to the mayor, to whom it was no object, merely that the jurat, who was represented to be in indifferent circumstances, might make no objection to receive his. The former, however, afterwards exchanged his pension for the enfranchisement of some property, held by him under the corporation, a transaction which created great disatisfaction at the time from the suspicion of unfairness. The real consideration for these grants was no doubt the evidence which the parties had given. Such a grant, under any circumstances, would

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would be most improper, but, inasmuch as the same disputes between the two bodies were still going on, constantly leading to litigation, it cannot be considered in any other light than that of bribery to the receivers, and an inducement to others to come forward on future occasions with evidence, which would be acceptable to the governing body. Two of the persons enjoying these pensions have since given evidence in other proceedings arising out of these disputes. Many of the burgesses complained loudly of these grants. Three of the pensions have fallen in.

Contingencies.

The principal item, under the head of Contingencies, is a bill of the town clerk's, incurred in a criminal information against some of the burgesses for a riot; it amounted to 237*l.* 7*s.* 10*d.* The prosecution was compromised on the eve of trial. The remaining items consist of small bills and charges, most of them connected with the fishery, and of postages and other expenses incurred by the mayor, water bailiff, and other officers in the management of the concerns.

Outstanding Debt.

Nearly the whole of the Debt has been incurred since the year 1827, the debt being at that time only 28*l.* 5*s.* 2¾*d.* In 1828 it was 676*l.* 12*s.* 8½*d.* No fishery account seems to have been kept in 1829; indeed, little or nothing was done to it about that time. The fishery having been thus allowed to get very low, and a large portion of the capital of the corporation having been applied to the payment of law expenses, the sum of 6,950*l.* was borrowed in 1830, and the debt, at the end of that year, was 9,332*l.* 0*s.* 3½*d.* It was not doubted that, with proper management, the affairs might be brought back to a prosperous state.

Audit of Accounts.

61. The manner of keeping and Auditing the Accounts, and the non-publication of them, were mentioned in sections 35 and 45.

Population and State of the Town.

62. The population of the borough in - - - - - { 1801* was 545. / 1811* – 805. / 1821* – 881. / 1831† – 786.

The number of inhabited houses in - - - - { 1801* was 128. / 1821* – 160. / 1831† – 138.

The number of 10*l.* houses was thought not to exceed 12; the average rent paid by the fishermen is about 7*l.* The rent of the better class of houses has been reduced, in consequence of the disfranchisement of the borough by the Reform Act. It was thought that there were nearly 50 houses uninhabited. Almost the whole population is dependent upon the oyster fishery, many of whom were in great distress during the time that it was neglected. The average amount of earnings from dredging in the fishery last year was from 25*l.* to 30*l.* A few of the fishermen have boats of their own, by means of which they can earn a livelihood out of the oyster season. There is a small copperas manufactory in the town, but it does not find employment for many persons. The inhabitants generally are in very confined circumstances.

Local Act.

63. The only Local Act relating to the town is 7 Geo. 3, c. 72, intituled, "An Act for the better and more effectual Maintenance and Relief of the Poor of the Borough and Parish of Queenborough, in the County of Kent."

Documents.

64. Copies of the following Documents are sent with this Report:

1. The Charter of Charles 1.
2. The existing Bye-laws relating to the Oyster Fishery.
3. A Table of the Wharfage Dues and Tolls.
4. A Table of the Harbour Dues.

D. Maude.

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* Marshall's Tables, p. 27, No. 1353.

† Census of 1831.

REPORT

ON

THE BOROUGH OF ROCHESTER.

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BOROUGH OF ROCHESTER.

1. THE Local Limits of the liberties of the municipal corporation of Rochester are accurately laid down in the Boundary Reports. They comprehend, on the right hand of the Medway, the whole of the parish of St. Nicholas, the parish of St. Margaret, with the exception of about 300 acres containing only a single cottage, and a part of the parish of Chatham. The parish of Chatham and the parish of St. Margaret are, towards the east of the liberties, separated by the middle of a street; the liberties terminate on the east close to the point at which this ceases to be the case. The houses here run continuously into the new Parliamentary borough of Chatham; in all other directions, on the right bank of the Medway, the whole mass of the houses is within the liberties, besides a very extensive area occupied by arable, pasture, or wood land. There are two extra-parochial precincts, not within the jurisdiction of the corporation, surrounded by the parish of St. Nicholas. These are the precincts of the cathedral church and the precincts of the bishop's palace and prison. It was recently decided, on an appeal against a rate, that these precincts were without the jurisdiction of the corporation, but we understand that the claim of the corporation is not yet abandoned. On the left branch of the Medway, a small part of the parish of Strood is within the liberties, the limit of which passes through the continuous line of houses. The only additions made to the borough for Parliamentary purposes, by the Boundary Act (besides the extra-parochial precincts), are on the left bank, where considerable parts of the parishes of Strood and Frindsbury have been added, so as to comprehend the whole mass of houses. The Medway itself is within the liberties, from Hawkwood above the city to Sheerness below it, which places are respectively at the distances of about seven miles and twenty miles from the city, following the course of the stream. The limits are expressly set out in the governing charter of 5 Charles 1, and also, by names less known at present, in the charter of 1 Edward 4. Local Limits.

2. In a charter, which we believe to be a charter by Henry 3, and which will be mentioned in the next section, a grant is made to the citizens of Rochester, that no one be amerced pecuniarily, otherwise than in the time of King Henry, the grandfather of the grantor. Liberties of the Corporation in the time of Henry 2.

3. The Charter mentioned in the last section uses the plural pronoun "nos," instead of "ego," or "me." From this circumstance, from its length, and from the formal way in which the date is added, we are disposed to believe that it was granted by Henry 3, although the copies in the records of the corporation contain the name of Henry 2 in the margin. It purports to be a grant of one of the Henrys, and it is clear from the language of the charter which will be next mentioned, that it could not be any Henry later than Henry 3. By this charter, the city is granted "*civibus nostris Roffensibus et hæredibus eorum*" in fee farm, for 25 *l.* sterling annual rent. A mercantile guild is also granted, and an exemption from the intromission of the sheriff of Kent. There is a reservation of the pleas of the Crown, and a grant that no citizen shall plead without the walls of the city, on any plea, except such as shall relate to foreign tenures or the moneyors and ministers of the Crown. Freedom from toll and lastage through all ports of the sea is granted; the privilege mentioned in the last section is confirmed; a portmote is to be held every fortnight; the lands within the city are to have right done respecting them, according to the custom of the city; all debts contracted at Rochester are to be pleaded for there; and many other liberties and immunities are granted, which it is not material to particularize here. This charter is dated 6th November in the 12th year of the reign of the grantor. First Charter by Henry 3.

4. Henry 3 granted another Charter, dated the 6th of February in the 50th year of his reign. He recites a previous grant of his own, which appears to be identical with the grant made by the charter in the last section, except that the fee-farm rent is stated to be 20 *l.* instead of 25 *l.* The previous grant is confirmed in the present charter, and the rent is reduced to 12 *l.* The citizens are exempted from stallage and murage throughout the whole kingdom; a formarket is granted; the citizens and their heirs are to have the return of all writs of summons in the Exchequer, or writs touching other matters appertaining to the liberties. The grant in other respects does not appear to carry the privileges beyond those of the former ones. It seems probable, from the language of the charter mentioned in the 7th section, that a charter of precisely the same effect as this had been granted at an earlier period of Henry 3d's reign. Second Charter by Henry 3.

5. Edward 3, by a Charter dated the 18th of January, in the fourth year of his reign, confirmed the second charter of Henry 3. Charter by Edward 3.

6. Richard 2, by a Charter granted the 6th of April in the first year of his reign, confirmed the charter of Edward 3. Charter by Richard 2.

7. Henry 6 granted a Charter on the 14th of July, in the 16th year of his reign. This charter recites and confirms a charter, which appears to correspond exactly (except as to the First Charter by Henry 6.

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the date, which may be inferred) with the charter of Henry 3, mentioned in the 4th sect. It recites also that the citizens had been seised in fee, by virtue of the said charter and the confirmations thereof, in their demesne, down to the 16th November of the 46th of Henry 3. It recites also that, on the said 16th November, Henry 3, on account of the dissensions "*inter ballivos et probos homines*," and the disturbances which had taken place in his kingdom, had taken the city into his hands. It recites also that the citizens, by the exaction of the fee-farm rent and other demands, were much vexed and disquieted, and had prayed for relief; it relieves them from all payment except the fee farm of 12 *l.*; and it confirms all the former liberties, with a saving for the liberties, franchises, and privileges of the church of Rochester.

Second Charter by Henry 6.

8. Henry 6 granted a second Charter on the 1st June, in the 24th year of his reign. In it he refers to previous grants by himself and others, and to the grant of the city in fee-farm, at the rent of 12 *l.*, which he confirms; he then grants an incorporation by the title of bailiff and citizens, with the usual clauses. The charter sets out the limits of the city, and confirms them, and grants to the citizens the power of arresting and examining merchandize. It also grants to them all wrecks, fishes, and royalties; they were also to have the ferry to Strood whenever the bridge should be broken down. The King's admiral was forbidden to interfere within the limits, the power of the admiralty being given to the bailiff and citizens. There is a grant to the bailiff and citizens of an exemption of all kinds of toll (which are enumerated) in all parts of the kingdom, both by land and sea; also an exemption from paying suit in the courts of county shires, hundreds, and laths; they are to have the goods of outlaws, and forfeitures to the Crown, and goods of felons and convicts residing within the limits. They are to have the return of all writs to be exercised by the bailiff or his deputy; the sheriff is not to interfere, save in default of the bailiff and citizens. They are to have fines for trespasses, extortions, &c.; and fines for licences to agree, and amerciaments and deodands, wrecks of the sea, and chattels of persons convicted of murders and felonies. They are to have assize of bread and beer, and correction of weights and measures, and all other things belonging to the clerk of the market, without the interference of the clerk of the market of the Royal household. There is also a grant of a court of portmote, to be held every 15 days, before the bailiff and citizens and their steward, for all pleas of personal actions, with power of attachment of person and goods, also pleas of assize, and contracts of tenements and tenures within the city. They are also to have a view of frankpledge twice a year, and a court of pie poudre; also a fair. There is a remission of all transgressions, escapes, and debts of malefactors. The mode of electing the bailiff is prescribed, who may be an innkeeper. The bailiff is to choose a sub-bailiff, clerk, coroner, and two constables; there is a non-intromittet clause as to the county coroner. Licence is granted to the bailiff and citizens to build upon the eastern gate, and to have herbage without the walls of the city and castle ditch. There is also a confirmation of the grants of all previous kings.

Charter by Edward 4.

9. Edward 4 granted a Charter on 14th December, in the first year of his reign. This charter confirms that of Richard 2. It recites also that the citizens had been accustomed to elect a bailiff, and that by ambiguities in the preceding charters they were much molested. It grants that the city be incorporated by the title of mayor and citizens of the city of Rochester; that a mayor shall be elected annually by the mayor and citizens from the citizens, although he be an innkeeper or victualler; that, if the office be vacated within a year, another mayor shall be elected in the same manner for the residue of the year; that the mayor may appoint as many serjeants at mace as may be necessary. The mayor and citizens are annually to appoint a coroner and two constables; and no county coroner is to intromit within the liberties. The bounds of the liberties are specifically set out; there is a grant of wreck of the sea, of fishes, of a ferry over the Medway, of the assize of bread, ale, and all victuals, of measures and weights, and all things belonging to the clerk of the market; there is a non-intromittent clause as to the clerk of the market of the Royal household and the admiral of England. A general freedom is granted to the mayor, citizens, and all residents within the liberty, from toll, and other local imposts. There is a grant of the goods of outlaws, felons, and so forth. A court of portmote is to be held, from 15 days to 15 days, by the mayor, having called to him two of his more discreet fellow citizens, which court is to have cognizance of all personal pleas; cognizance is then granted of all pleas, real, personal, and mixed, within the precincts. There is a grant to the mayor of the return of all writs, with a non-intromittent clause as to sheriffs. There is a general grant of fines, deodands, wrecks, and so forth. The mayor and citizens are to have a view of frankpledge in the city, and in a place called The Boley. A court of pie poudre is given, and an annual fair of three days. There is also a grant of a licence to build, and of herbage, on specified districts. The mayor and some person learned in the law are to be justices of the peace; and all writs, precepts, and other warrants, are to be directed to the mayor, or his ministers; and there is a non-intromittent clause as to the justices of Kent. The mayor and citizens are exempted from serving on all juries without the town, and from being made assessor or King's collector. There is a licence to hold lands to the value of 20 *l.* annually.

Charter by Henry 8.

10. Henry 8 granted a Charter on the 2d April, in the 14th year of his reign, confirming the charter of Edward 4.

Charter by Edward 6.

11. The charter of Henry 8 is confirmed by a Charter of Edward 6, dated the 30th May, in the 1st year of his reign.

Charter by Elizabeth.

12. Queen Elizabeth, by a Charter granted on the 15th November, in the first year of her reign, confirmed the charter of Edward 6.

13. James

13. James 1 granted a Charter, dated the 11th September, in the 5th year of his reign, confirming the charter of Elizabeth. Charter by James 1.

14. Charles 1 granted the Charter, by which the corporation is now governed, dated the 7th August, in the 5th year of his reign. This confirms the charter of James 1, and all preceding charters, customs, and prescriptions. It follows very closely in many respects the charter of Edward 4; its material grants will be detailed in the sections following. Charter by Charles 1.

15. The Title of the Corporation, in the charter of Charles 1, is, "The mayor and citizens of the city of Rochester, in the county of Kent." Title of the Corporation.

16. The Officers of the Corporation, mentioned in the governing charter, are Officers named in the Charter.

Mayor	1
Aldermen	11
Assistants	12
Recorder	1

17. Other Officers are, Other Officers.

Town Clerk	1
Chamberlains	2
Coal Meters	indefinite.
Corn Measurers	indefinite.
Coroner	1
Constables	2
Committee of Charitable Uses	9
Auditors	4
Beadle and Pound-keeper	1
Borsholders	8
Ale Conner	1
Searchers and Sealers of Leather	2
King's Hackneymen	2
Haymakers	2
Gauger	1
Searchers for unwholesome Meat	2
Scavager to gather the Money	1
Gaoler	1
Serjeants at Mace	3
Water Bailiffs, one of whom is also called Serjeant at Mace on the Waters of Medway	10
Collector of Thorough Toll, Market and Stallage Tolls	1
Crier	1
Provider	1
Keeper of Watt's Charity	1

18. There is a body of Freemen, of whom there are 547 registered as resident within the city and the seven miles. The number of non-residents is not known, but it is believed that the whole number of residents and non-residents is not less than 1,000. Freemen.

19. The charter directs that the Mayor shall be elected annually from the aldermen by the mayor and citizens. It is expressly declared by the charter, that he may be a victualler or an innkeeper. By a bye-law of 14th September 1689, it was enacted, that the electors should be confined to the resident freemen; by another bye-law of 31st of August 1734, it is enacted, that four assistants and the town clerk or his deputy shall be appointed by the aldermen and assistants, or major part of them, to take the poll, and that none of the said vote-takers, excepting the town clerk or his deputy, shall write down the votes; and that the papers, on which the votes are taken, shall, as soon as the election is declared, be publicly burned or otherwise effectually destroyed; and that any vote-taker, who shall make a discovery how any freeman has voted, or of his abstaining from voting, shall be disfranchised and prosecuted for perjury. In practice two hours are allowed for voting secretly; this is managed by allowing only one voter to come in at a time; at the expiration of the two hours, those who have not chosen to vote secretly, poll publicly. This privilege of private voting is but seldom used. It is considered that a meeting of 300 freemen is a full one on these occasions; the number is sometimes as small as 100. The usual practice is to elect the senior alderman who has not passed the chair; this is usually the assistant last elected alderman; but this practice has not been by any means constant, and the freemen have always been jealous in asserting their right to deviate from the routine, and it is believed that political feeling frequently enters into these contests. It was also stated to us, that an undue influence had been exercised by individuals on the election of mayor, in the following way. Two individuals, who were members of the common council, had, from situations which they held, the disposal of certain employments to be fulfilled at the quarantine establishment in the Medway. It was asserted that these individuals had obtained their own situations from the patronage bestowed by the influence of the Member for the city, supporting the then Administration, and that by disposing of the employments at the quarantine establishment to freemen, who, by virtue of that employment, became resident within the liberty, they were enabled to command their votes at the election of mayor. The aldermen are frequently obliged to serve more than once; some have served as many as nine or ten Mayor, election of.

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ten times; and instances have been frequent of an alderman being elected a second time, though there was another alderman at the time of such election who had never served. The mayor for the time being can vote, but he has no casting vote: he cannot serve for two years successively. When there is a contest, the result only is entered on the journals, without any minute of a poll having taken place; sometimes the entry has stated that the election was unanimous; this is now discontinued in all cases. The meeting for the purpose of the election is perfectly public, no attempt being made to exclude strangers. No instance is recollected of the election of a non-resident. A bye-law of the 14th of September 1689 enacts, that, no non-resident shall be chosen mayor; and that, if he be so chosen, or if, after being chosen, he remove from the city, or absent himself from the city for three months together, or fail to attend the meetings (not having a reasonable excuse) for the space of three months, "he shall or may" be amoved from his office. By a bye-law of 25th February 1737, the space of three months is contracted to that of eight weeks continuous, or the major part of six months immediately following each other; and some regulations are added, as to obtaining a dispensation from the law. In 1811 an alderman, who had been elected mayor, did not attend to be sworn; the corporation, in consideration of his having served the office very recently, elected another in his stead. There was an instance not long ago of an alderman resigning his situation to avoid being elected mayor. If the mayor should die in his year of office, a successor would be elected in the same way to serve to the end of the year, but no recent instance of this has occurred. The charter gives a power of amoval to the aldermen and assistants for the time being, or the major part of them, but there is no modern instance of this having been exercised. The mayor has no power of appointing a deputy; the consequence of which is that, as no meeting can be held without him, his inability to attend would put a stop to the business of the corporation.

Aldermen, election of.

20. The charter directs that the aldermen shall be elected by the mayor, aldermen, and assistants, or the major part of them (the mayor being one), from the assistants, as vacancies occur, either by death, or removal, or departure from office. It is common to elect the senior assistant who is willing to serve: an exception from this occurred lately, which we believe to have been the only one which has happened for many years. The person passed over had served the offices of chamberlain and provider, and a strong belief was expressed in some quarters that he was passed over on this occasion from a political feeling. Such a feeling was expressly disclaimed for themselves by some of the electors. The bye-laws respecting non-residence and attendance at meetings, in the preceding section, comprehend also the case of an alderman. A week's notice must be given of the meeting for the election, and 13 must be present, including the mayor: the words of the charter are "the mayor and the rest of the aldermen and assistants for the time being, or the major part of them, of which the mayor to be one." This has been interpreted to give validity to an election at which any 13 are present, although such a meeting should not contain a majority of each of the several bodies. The law respecting non-residence is not quite strictly enforced. About 20 years ago an amoval took place, on the ground of an alderman's having absented himself from the meetings. Several instances of resignation have taken place. A poll is not often taken at these elections: the weaker party most commonly either stay away or abstain from voting.

Assistants, election of.

21. The charter directs that the Assistants shall be chosen upon vacancies, from either death, removal, or departure from office, by the mayor, aldermen, and other assistants for the time being, of whom the mayor to be one. The bye-laws as to residence and attendance at meetings, already mentioned, apply to assistants also, and so do most of the facts already mentioned in the election of aldermen. It seemed, indeed, to be admitted that, in a decided majority of instances, the assistants selected had belonged to the same political party with the majority of the body of electors, and that freemen, recently created on purchase, were repeatedly elected to the exclusion of old and unobjectionable freemen, who had been anxious to come in. There is generally a canvass by the party wishing to be elected. Votes are secretly given, but it is generally known how every individual has voted. An instance was mentioned to us as having happened many years ago, where, at a meeting for the election of an assistant, there was a sufficient number present to form a valid meeting; but no one tendering any vote, no election was come to. The reason was not known. If there be more vacancies than one, it is now usual to fill them up on different days. The reason given for this was, that it is usual for a dinner to be given by the newly-elected member to the electing body on the day of his election. An assistant was removed 20 or 30 years back for quitting the town. There is no doubt of his having acquiesced in this. Three assistants are at present non-resident, two of them living at the distance of two miles, and the other within the extra-parochial precincts. They are all regular attendants at the corporation meetings.

Recorder, election of.

22. The charter directs that the mayor and aldermen, or the major part of them, the mayor to be one, on a vacancy in the office of Recorder, shall elect a person learned in the laws to fill the vacancy. Seven days notice of the meeting for election is necessary. Divisions have repeatedly taken place at this election. Recorders have always been barristers, as far as is recollected. The present recorder is on the home circuit, and resides in London. He was elected in 1826, and was then a barrister of considerable standing. The recorder holds office during the pleasure of the mayor and aldermen. It appears by the charter that the recorder first named had the power of appointing a deputy, but no such power appears to be given to his successors; nor is such an appointment, in fact, known to have taken place.

23. No

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23. No mention is made in any of the charters of the office of Town Clerk. He is elected by the mayor, aldermen, and assistants. The office is understood to be for life. The present town clerk was elected in February 1833. He had been an assistant four years before his election as town clerk The last town clerk was also an assistant when elected. Other persons canvassed the members of the common council besides the present town clerk, but retired before the election. He voted for himself. Upon being elected town clerk he resigned the office of assistant. There was a contest for this office in 1822. The election was then carried by a majority of only one. This election was made by secret suffrage; but the event having been contrary to expectation, the whole of the voters for one candidate subscribed a paper, stating which way they had voted, with a view of discovering what vote had been given by some person inconsistently with the expectation entertained; and by this they succeeded in discovering the person. The office of town clerk has been always, as far as is known, filled by an attorney. The present town clerk is one.

Town Clerk, election of.

24. The Chamberlains are elected annually by the common council. In practice a rotation is invariably observed. The two senior resident assistants, whose turn to be elected aldermen (as mentioned in sect. 20) has not yet come, are elected. The senior chamberlain is re-elected, and remains in office until the end of that year, during which it has been his turn to be elected alderman. If he be so elected, or if he decline to accept that office, he is not re-elected chamberlain. The senior assistant and chamberlain was, during the year previous to Michaelmas 1833, passed over against his will in the election of an alderman, and was not, at the end of that year, re-elected chamberlain. There is no modern instance of a person having been so passed over before; and, in the instance adverted to, the person who held the office of chamberlain considered that, as he had neither been elected alderman nor voluntarily declined to be elected, he, by custom, was entitled to be re-elected chamberlain. His not being re-elected caused some dissatisfaction with many persons, from a belief that political feelings were the cause of it. Some members of the corporation, however, maintained that the custom was understood to be, that the chamberlain holds his office only from the Michaelmas after one election of an alderman, to that after the next election of an alderman; and this independently of the question as to what person may happen to be elected alderman; and that the object of electing the senior assistant to be chamberlain is, that he may be acquainted with the property of the corporation when he becomes alderman; and that therefore, if his turn be passed, either by or against his consent, the assistant next in seniority ought to be elected chamberlain, as being the person upon whom the next election as alderman is likely to fall. This office is an object of desire, chiefly because that of Provider is almost always united with it, to which there are emoluments attached, as will be mentioned in sect. 40. The junior chamberlain is re-elected until a vacancy by the senior occurs, when he is elected senior chamberlain.

Chamberlains, election of.

25. The Coal Meters are appointed by the common council; the number is unlimited, and, since the repeal of the duty on coals, an intention has been entertained of reducing it. It seems that a fresh appointment is hardly ever made except upon a vacancy. Some complaints were made to us of partiality on the part of the corporation in the appointment of these officers. During the existence of the duty on coals, the Government appointed measurers, with a view to the collection of the duty, and the corporation for a long time gave their appointments to the same persons. Government adhered to the rule of not giving their appointment to any person who kept a public-house near the place where the measuring was to be performed, on the ground that his interest in his business would render him liable to unfair influence. After the duty ceased, the appointment of the corporation coal meters was a matter unconnected with Government, and they gave the first appointment to a publican, exercising his vocation near the water edge. Complaint was made that this had produced some annoyance to the trade: it was also stated, that when the Administration was in the hands of the party, to which the majority of the governing body of the corporation was understood to be opposed, the corporation deviated from the practice of following the Government appointment in a case where the coal meter appointed was a political opponent, and named a political adherent. In answer to this we were informed that this separation had been made in consequence of a requisition, addressed to the corporation by nearly 300 freemen, who considered that their chance of appointment was narrowed by the patronage being practically retained in the hands of Government. It appeared also, that the first two appointments which the corporation made after the cessation of the duty on coals, were given to persons who had held the Government appointments without those of the corporation. There is a standing order that none but freemen shall hold this office.

Coal Meters, appointment of.

26. The Corn Measurers are appointed by the common council, and are generally sworn as coal meters also. We believe that they are usually freemen, and that vacancies are filled up as they occur; but we were unable to obtain any distinct information on the subject.

Corn Measurers, appointment of.

27. The Coroner is elected annually by the whole body of resident freemen. Immediately after the election of mayor, any freeman is at liberty to propose a candidate: a show of hands is taken, and, if more than one candidate be proposed, a poll is taken in the same manner as in the election of mayor. The same person is generally re-elected: the office has always, as far as is known, been filled by an attorney. The present coroner was first elected about 10 years ago: there was no other candidate at the time. He is a freeman.

Coroner, election of.

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Constables, election of.

28. The Constables are elected by the resident freemen in the same manner as the coroner: it is not unusual to re-elect the same persons two or more successive years. It is not considered necessary that they should be householders: in practice they are always freemen. They are sworn at the court leet. The office is one rather desired.

Committee of Charitable Uses, appointment of.

29. The Committee of Charitable Uses is appointed by the jury of the court leet: this is in pursuance of an agreement which was entered into between the common council and the other freemen in 1693. The agreement states, that some differences had happened between the common council and other freemen, touching the mis-employment of the rents and profits of some estates given to the mayor and citizens as trustees for charitable uses. The agreement was, that a committee of nine should be appointed every year by the court leet jury, to consist of two aldermen, two assistants, and five freemen who should not be aldermen or assistants. This course is pursued: no rotation is observed. It is not unusual for persons, particularly those of the rank of freemen only, to canvass for the appointment when it is known who are selected for jurors.

The agreement provides, that in case of the death of any one of the committee during his year of office, the remainder of the committee shall elect another person of the same grade in the corporation as the person who shall have died. Nothing is said as to any new election in case of any of the committtee attaining a different rank in the corporation.

Auditors, appointment of.

30. The Auditors are appointed by the court leet jury: two of them are to be selected from the aldermen, and two from the assistants. No bye-law is known imposing this restriction as to the rank of the persons to be appointed: it seems, however, to have existed as far back as the time at which the manner of making the entries in the books first enables us to ascertain the grade, in the corporation, of the persons appointed. This restriction has sometimes created discontent amongst the members of the leet jury, and on a late occasion some of the jury went so far as to propose freemen who were not of the governing body: the foreman refusing to put the question, some of the jury declined giving any vote whatever.

Beadle and Pound Keeper, appointment of.

31. The Beadle and Pound Keeper is appointed by the court leet jury; the same person is usually re-appointed; he is generally the same person as the crier. The present beadle and pound keeper is a freeman.

Borsholders, appointment of.

32. The Borsholders are appointed annually by the court leet jury; each is appointed to a particular borough, but is expected to act through the whole liberty: they are not always householders. A few years ago none but freemen used to be appointed, but this restriction has now ceased, and freemen and non-freemen are indifferently appointed: they are generally changed: persons are anxious to avoid the office.

Ale Conner, appointment of.

33. The Ale Conner is appointed by the court leet jury. There is sometimes a competition for this office; a freeman is preferred.

Nominal Officers, appointment of.

34. The Searchers and Sealers of Leather, King's Hackneymen, Haymakers, Gauger, Searchers for unwholesome Meat, and Scavager to gather the Money, are all appointed by the court leet jury. The appointments are formally made and entered upon the list of officers, but the jury generally appoint some of themselves, as there is a dinner given to all the officers. These offices are simply nominal; the persons appointed, however, are each compelled to take an oath, a practice which seems liable to very serious objection. The present town clerk endeavoured to put an end to this, but finally, considering himself incompetent to do so, he contented himself with altering the oaths, so as to make them as general as possible.

Gaoler, appointment of.

35. The Gaoler is appointed by the mayor. The latter is considered to have the functions of sheriff within the liberties, and as such probably appoints the gaoler, who gives security to him for the proper fulfilment of his office. Before he is sworn into office, the common council enter their consent and approval. The offices of principal serjeant at mace and gaoler are always exercised by the same person: the present gaoler is a freeman. In 1811 a gaoler was displaced for allowing the escape of a prisoner.

Serjeants at Mace, appointment of.

36. The three Serjeants at Mace are appointed by the mayor annually; the same persons are generally re-appointed. It is usual for the mayor, at the first meeting of the common council during his mayoralty, to mention the names of the serjeants he has appointed; an approval by the common council of this appointment is entered in the minutes, but it is supposed that the common council would have no right to disturb the appointment: in practice the approval is a mere matter of form. One of the serjeants is called the principal serjeant at mace, the others the under-serjeants, and sometimes under mace-bearers: they are at present all freemen, and have held office for several years. Besides these three, one of the water bailiffs is called serjeant at mace on the waters of Medway. The office of serjeant at mace is mentioned in the charter of Edward 4; where it is said that the mayor may have as many as shall seem convenient to him.

Water Bailiffs, appointment of.

37. Of the ten Water Bailiffs, six are appointed annually by the mayor, and the other four annually by the jury of the admiralty court, held for regulating the oyster fishery.

One of the first six is called principal water bailiff and serjeant at mace for the waters of Medway. The mayor communicates his appointment of this officer to the common council, in the same manner as that of serjeants at mace, mentioned in the preceding section. The same person is generally re-appointed. Another of the same six resides at Sheerness: this person is always

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always re-appointed, if he be willing to continue, as difficulty is sometimes found in getting a proper person to fill the office: the remaining four are not usually re-appointed.

The four appointed at the admiralty court are presented by the jury upon their own selection, and a deputation is then given to them by the mayor, as exercising the office of admiral: the same persons are not usually re-appointed.

The eight water bailiffs last mentioned are always free dredgers.

Collector of Thorough Toll, appointment of.

38. The Collector of Thorough Toll is appointed by the mayor by deputation. The appointment is a permanent one, and the patronage of it is considered to belong entirely to the mayor. The present collector has held the office about three years: the last collector was not a freeman; the present is so.

Crier, appointment of.

39. The Crier is appointed by the mayor. The latter mentions his appointment to the common council in the manner mentioned in section 36. He generally appoints for crier the same person who is appointed beadle by the court leet jury.

Provider, appointment of.

40. The Provider is appointed by the mayor, who always communicates his appointment to the common council, and their approval is entered upon the minutes. Although the office is one of trust, the common council have no control over the appointment; but it was thought that, in case of non-approval by the common council, the mayor would be considered responsible for the correct discharge of the office. The provider is called upon to give security to an amount which will cover the money likely to pass through his hands. A few years ago the sureties offered by a person appointed provider by the mayor were refused by the corporation; the mayor, persisting in his appointment, was told that the corporation would hold him responsible for the proper fulfilment of the office. Upon this one of the aldermen agreed to perform almost all the duties, and to allow the person appointed to have the emoluments, which arrangement continued until the determination of the office caused by a vacancy in the aldermen. The person appointed provider is usually the senior resident assistant, whose turn has not come to be elected alderman. There is the same understanding as to the continuation in this office as in that of senior chamberlain, mentioned in sect. 24; in fact the two offices are almost always united in the same person. In the year 1808, however, the mayor appointed as provider a person not in the corporation, who held the office two or three years. The office is an object of desire, as there is a poundage upon the money passing through the provider's hands, allowed by the Court of Chancery.

Keeper of Watt's Charity, appointment of.

41. The Keeper of Watt's Charity is appointed by the mayor. It is not usual to change the holder of this office.

Fines.

42. No Fines are at present imposed by the corporation on its own members, though the bye-laws contain regulations annexing numerous penalties to the refusal to serve the different offices, and to the neglect of other municipal functions.

Freemen, admission of.

43. The Freemen are of four classes: 1st. Those created by birth; 2d. Those created by service; 3d. Those created by purchase; 4th. The honorary freemen.

Freemen by Birth.

One hundred and eighty-nine Freemen have been created by Birth in the 20 years ending in 1832. The eldest son of any freeman, except an honorary one, born within the liberties after the father has taken up his freedom, is entitled to his freedom at the age of 21. It is not necessary to take up the freedom within any given time after the completion of the majority. If the eldest son, who is entitled to take up his freedom, die without doing so, the next son may take it up, provided he be qualified in other respects; but if an eldest son have taken it up before his death, this bars the other sons. In the customal of the city * is an entry, which must belong to some year between 1459 and 1570, according to which every son of a freeman, upon coming to dwell within the liberty, may be admitted; the alteration to the present custom appears to have been effected, or at any rate recognized, by a bye-law of 1689. The expense of taking up the freedom for this class is,

	£.	s.	d.
Fee to the mayor	–	2	–
— town clerk	–	15	–
— principal serjeant at mace	–	4	–
— under serjeants (2s. each)	–	4	–
Stamp	1	–	–
Parchment	–	2	–
£.	2	7	–

Freemen by Apprenticeship.

Three hundred and ninety-seven Freemen have been created by Service within the 20 years ending in 1832. A person is entitled to take up his freedom at the age of 21, after having served a seven years' apprenticeship to a freeman who has resided within the liberty the whole time; the service need not be performed within the liberty. The indenture should regularly be enrolled within a year from its execution; after that time it cannot be enrolled without

* We give this from a printed book, professing to be an Abstract of the Customal; we were unable to verify it, the original being withheld.

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without an order from the common council, in which case a fine is generally imposed; the fine is sometimes as low as 1*s.*, seldom exceeds 1*l.*, and cannot exceed 5*l.* The fine is imposed on the master; but it is very rare for the enrolment not to take place within the year. If a master die during the apprenticeship, the indenture may be assigned; the assignment should be made within reasonable time, and should regularly be enrolled within three months; if longer delayed, the enrollment requires the same sanction as that of the indenture does in case of delay after the original binding. There is no restriction as to the number of apprentices which a freeman may take. On enrolment, a fee of 5*s.* is paid to the town clerk; the expenses of admission are the same as in the case of the first class.

Freemen by Purchase.

Forty-five Freemen have been created by Purchase within the 20 years ending in 1832. Every person carrying on a trade, or exercising a profession, within the liberties of the city, is entitled to purchase his freedom. Up to 1809 or 1810, the price was 20*l.*; it was then increased to 40*l.*; since the passing of the Reform Bill it has been lowered to 20*l.*, and this year it has been lowered to 10*l.* The expenses of admission, independent of the price of purchase, are exactly the same as in the case of the first class, except that 3*l.* is paid for the stamp instead of 1*l.*

Honorary Freemen.

Thirty-three Honorary Freemen have been admitted within the 20 years ending in 1832. The common council confer honorary freedom by vote; there is a bye-law, recognising the right of the mayor to name one freeman, but this has not been exercised within living memory. The honorary freedom is generally bestowed upon the Members for the city and for the county. Since the division of the county under the Boundary and Reform Acts, no county Members, except those for West Kent, have received it. It is also bestowed in other cases as a compliment; and it has occasionally been given to persons who have failed to perfect their right to the freedom through any of the other three titles, under what have been considered circumstances of hardship. The expenses of admission are,

	£.	*s.*	*d.*
Fee to the mayor	–	2	–
— town clerk	2	1	–
— principal serjeant at mace	1	1	–
— under serjeants at mace (10*s.* 6*d.* each)	1	1	–
— crier	–	5	–
Stamp	3	–	–
Parchment	–	2	–
£.	7	12	–

The corporation pay the fees of this last class; formerly the persons admitted paid 20*l.* to the town clerk; but the corporation abolished this, and took upon themselves to pay the town clerk 5*l.* 5*s.* (out of which he has to defray the mayor's fee, and stamp and parchment), and 2*l.* 7*s.* to the serjeants and crier. This is the statement which the town clerk made to us; but other members of the corporation believe, that it was the intention of the common council that the town clerk should receive the 5*l.* 5*s.* clear.

It will thus appear that the whole number of persons created within the 20 years ending in 1832 has been 664. Of the four classes, the honorary freemen have been created least frequently. There is no pretence for believing that the admissions of this class have been influenced by political feeling; great complaints, however, were made to us of partiality having been shown in the adjudication of the completeness or incompleteness of titles belonging to the other three classes. Several cases were brought before us; some of so ancient a date, that it did not appear to us reasonable to expect that they should be either contradicted or explained; and, among the rest, we did not find a case so free from legal difficulty as to warrant us in believing that the decision had been capriciously made, although one or two instances were produced, which appeared to us not reconcileable with strict law, or with other decisions pronounced by the corporation. Until very lately, few people entitled to their freedom have omitted to take it up. The admissions have generally been increased in number by the approach of an election for the representation of the city, numbers of applicants deferring their claim to a time at which they expected to have the fees of admission defrayed for them. The effect of the Reform Act, in diminishing the number of admissions, is said to have been already felt, although its provisions affect the first two classes much less extensively than the others.

Governing Body, functions of.

44. The Governing Body consists of the mayor, aldermen, and assistants, who constitute the common council. The mayor and aldermen form a body, which has no separate functions besides that of electing the recorder. A meeting of 13 is required for the purposes of business. Seven days' notice must be given for the election of aldermen, assistants, or recorder; four days' notice for the ordinary meetings of the common council, at which alone freemen can be admitted. No notice is required for special meetings. The mayor's presence is necessary to constitute a meeting; he also must convene the meeting. The town clerk attends to minute the proceedings. The common council manages the whole concerns of the corporation, including, we presume, the property of every description. Every admission to the freedom must receive their sanction. We believe that actual divisions in the common council are not very common, the minority more usually absenting themselves, or abstaining from voting, than voting against the majority. The whole governing body frequently acts under the name of a Committee of General Purposes, five of whom are competent to act. The proceedings

proceedings of the common council are not in any way made public to the general body of freemen.

Remarks on the Constitution of the Governing Body.

45. It has appeared in the explanations already given that this body is completely self-elected. This has been the subject of bitter complaint on the part of many of the freemen. The complainants, however, appear to consist principally, if not entirely, of the adherents of the political party opposed to that which has now the ascendancy in the common council. Such an ascendancy exists, and has existed for a considerable time, and the consequence has been the creation of the utmost exasperation and rancour on both sides. This may possibly be owing in some degree to the restricted nature of the means of the first admission into the body of freemen. There can be but few chances of the entry into the governing body of persons belonging to what are commonly considered the higher classes of society; and the absence of such persons may have been felt in the tone and manner in which party feelings are put forth. Another ground of complaint was that, whenever work was to be executed for the corporation, the tradesmen, who are members of the common council, had invariably the preference, a practice which, with some very trifling exceptions, was avowed by the corporation. The strongest instance mentioned to us, was the building of the gaol in the year 1809. According to the statement of some of the common council, which was uncontradicted, the expense of this erection was about 5,000 *l.* or 6,000 *l.*, and six tradesmen only were employed upon it, five of whom were members of the governing body, the sixth being of a trade not exercised by any member of that body. Complaints were also made of the ignorance in which the freemen are kept of the proceedings of the common council. We find some difficulty in ascertaining precisely upon what principal points, and to what extent, this concealment operates. At the commencement of our own investigations, the members of the corporation expressed a readiness to assist the inquiry, and stated that they had nothing to conceal. The town clerk informed us, that he was authorized to give us information on all matters, except so much of the titles to the property as had not been disclosed in the returns to Government. It appeared to us that all our inquiries were very fairly met, until the latter part of the sixth day's examination. At this time the inquiry touched upon a particular head of expenditure, on which the corporation declined to furnish the items making up the aggregate placed under that head; and at the same time a paper, of which the following is a copy, was handed in to us by the town clerk:

"The corporation have, pursuant to the desire of the Commissioners, delivered in an analysis of the receipt and expenditure of their revenues, as contained in the chamberlain's accounts, for the years ending respectively at Michaelmas 1830, 1831, and 1832. But they decline to comply with the further desire expressed by the Commissioners to inspect the accounts and the book containing the entries of the orders and proceedings of the common council. 2d December 1833."

The account book had not then been actually called for, though we intended ultimately to call for it. With respect to the book of entries and proceedings, we had, early in the inquiry, stated our wish to inspect it at the close of the public examination, but we believe that nothing else had been said by us on the subject. Upon our inquiring whether it was wished to assign any reason for the refusal, the town clerk said, that he was not authorized by the corporation to give any reason, but that he wished to state his own view, namely, "that the corporation consider themselves as guardians of public and vested rights, and that, consistently with their duty as such guardians, they cannot produce or allow the inspection of the documents required." Some members of the corporation then demanded that this should be considered simply as the opinion of the town clerk. There can be no doubt that it really was so, not merely from the improbability of the corporation's considering, or at any rate avowing, the public nature of the right to be a reason for concealment, but also from the circumstance, that the concealment had been deferred until a particular head of inquiry was touched upon, and from the admiralty court books and court leet books having been produced, which are documents referring to rights equally public and vested. The town clerk declined to give us the date of the passing of the resolution, and refused to inform us whether or not it was an act of the common council, or from what body or authority it emanated; and upon our inquiry in what character he produced it, he answered, that he produced it "as a paper."

With respect to the authority from which the paper emanated, the following fact may perhaps be important. A few hours before the refusal was handed in to us, a paper, of which the following is a copy, was delivered to the late chamberlain, who happened then to be at variance with the party which had the ascendancy in the common council:

"Sir, Rochester, 2d Dec. 1833.

"The mayor and committee of the corporation of this city, on the inquiry now in progress as to this city before His Majesty's Commissioners for Inquiry into the state of Municipal Corporations, have directed me to notify to you their desire and expectation that you do not allow the inspection, by the said Commissioners or any other persons, of either your own accounts as chamberlain or any other in your hands, or any vouchers or other documents whatever belonging or relating to the corporation.

(signed) *The Town Clerk.*"

The 2d of December was the sixth day of our public examination. From the language of this letter, it seems most probable that a committee had been constituted for the purpose of watching

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watching the inquiry, with power to act in the name of the corporation, and to stop the evidence on the part of the officers of the corporation at any point at which concealment might appear advisable. With respect to the probable date of the proceeding, and the object of the concealment, we refer for the present to the account of the expenditure hereafter given, sect. 81.

Mayor, functions of.

46. The Mayor's functions, as connected with the internal detail of the constitution of the corporation, have been already described.

He is a justice of the peace within the liberty, for his year of office and the following year. The principal part of the business of a justice is done by the mayor. By the charter of Edward 4, all writs are to be directed to him, and the justices and sheriffs of the county of Kent are excluded.

He has custody of all prisoners within the liberties, which duty he exercises by the gaoler, whom he appoints.

He is clerk of the market, in which capacity he never acts.

He is also admiral, within the liberties, to the exclusion of the Admiral of England.

He is judge of the court of portmote, together with two aldermen, to be nominated by himself.

He is judge of the court of pie poudre, when it is held.

He is returning officer in the election of Members of Parliament for the city.

He is an ordinary governor of the free school.

He is *ex officio* a commissioner of assessed taxes.

He is a commissioner under the Rochester and Strood Paving Act, 9 Geo. 3, c. 32, for his year of office, and the year following, provided he be in possession of a real estate of 50 *l.* annual value, or of a personalty of 1,000 *l.*

He is a commissioner under the Sheerness Pier Act, 10 Geo. 4, c. cxx.

He is a commissioner of sewers, under the commission issued every 10 years.

He is also a commissioner under the Court of Requests Acts, 22 Geo. 3, c. 27, and 48 Geo. 3, c. li; he has the casting vote at the quarterly meetings.

We were informed that the business attached to the office occupies the mayor generally from 18 to 20 hours in the week.

He has at present no salary, but he receives an annual allowance of 10 *l.*, to assist him in defraying the expenses of the admiralty court, held under the Oyster Fishery Act, hereafter mentioned. This allowance is made out of the funds of the fishery, and is, we believe, quite inadequate to the purpose for which it was intended. This sum is given instead of 6 *s.* 8 *d.*, which the Fishery Act authorizes the mayor to receive upon every admission to the freedom of the fishery. The mayor had formerly a salary, but it has not been paid within living memory. Up to 1819 he received the money paid to the city for anchorage dues: this amounted to about 100 *l.* or 150 *l.* per annum in latter years; formerly it was much lower, and since that time it has increased. The mayor of 1819 brought before the common council the propriety of this sum being paid into the corporation fund; and this has been done ever since. The mayor also is entitled to 2 *s.* on the admission of every freeman: the sum received amounted to 4 *s.* in the year before our visit. He has also 13 *s.* 4 *d.* every time the city seal is attached to a lease or deed; and also 13 *s.* 4 *d.* every time the seal is affixed to any instrument for verification abroad; but the number of either of these instances is so small, that the amount of the fees is quite insignificant. He also receives 8 *l.* 8 *s.* on every return of Members of Parliament for the city, as an allowance for his expenses in carrying the return to the Crown-office, which he always does personally. The expense which the mayor incurs for the hospitality which he is expected to exercise, and from other calls which he is expected to meet, has amounted on the balance, even during the receipt of the anchorage, to as much as 200 *l.*; and the office always subjects the holder to heavy expense, unless he choose to deviate so far from the common custom as not to incur the usual charges. An alderman, who had served three times, informed us, that, independently of anchorage, his expenses, for the three years together, amounted to between 200 *l.* and 300 *l.*

The inhabitants of all parties appeared to be perfectly satisfied with the manner in which the duties of the mayor have been performed.

Aldermen, functions of.

47. The functions of the Aldermen, as connected with the internal detail of the constitution of the corporation, have been already described.

The senior alderman is a justice of the peace within the liberty.

Two aldermen are to be nominated by the mayor, for the purpose of the court of portmote being held before two of the three.

The mayor also is to call to him such citizens as he thinks fit, to preside with him over the courts of admiralty: in practice, a general notice is given to the common council; and such aldermen and assistants, as choose, attend.

The senior alderman is an ordinary governor of the free school.

The aldermen, who are justices, are commissioners of the Rochester and Strood Paving Act, 9 Geo. 3, c. 32, provided they have the qualification of an estate of 50 *l.* annual value, or of a personalty of 1,000 *l.*

All the corporation are commissioners under the Sheerness Pier Act, 10 Geo. 4, c. cxx.

The aldermen are commissioners under the Court of Requests Acts, 22 Geo. 3, c. 27, and 48 Geo. 3, c. li.

The aldermen never serve on juries.

The present senior alderman, for about a year and a half after he became so, resided about three miles from the town, out of the liberties: he had, however, a house of business within the town, to which he came nearly every day, so that he was practically resident, so far as the greater part of the duties of justice of the peace is concerned.

The aldermen have no emoluments.

48. The functions of the Assistants, as connected with the internal detail of the constitution of the corporation, have been already described. The mayor is to call to him such citizens as he thinks fit, to preside with him over the courts of admiralty: in practice, a general notice is given to the common council, and such aldermen and assistants, as choose, attend. Assistants, functions of.

All the corporation are commissioners under the Sheerness Pier Act, 10 Geo. 4. c. cxx.

The assistants are commissioners under the Court of Requests Acts, 22 Geo. 3, c. 27, and 48 Geo. 3, c. li.

The assistants serve on juries; they are selected in the manner mentioned in sect. 70.

49. The Recorder is a justice of the peace within the liberty. The only functions which he discharges as such, are those exercised at quarter sessions; these he always attends. Recorder, functions of.

He is steward of the court leet, but deputes the town clerk to act for him as such.

He is considered to be the law adviser of the corporation.

He is one of the ordinary governors of the free school.

He is a commissioner of the Rochester Paving Act, 9 Geo. 3, c. 32, if possessing the requisite qualification mentioned in sect. 46.

He is a commissioner under the Court of Requests Acts, 22 Geo. 3, c. 27, and 48 Geo. 3, c. li.

His salary is 50*l.* per annum; he is not allowed travelling expenses.

50. The Town Clerk is clerk of the peace and of indictments at the quarter sessions. Town Clerk.

He is clerk to the justices of the city.

He is usually appointed by the recorder deputy steward of the court leet.

He is the officer of the portmote court, answering to prothonotary.

He manages the law business of the corporation.

He is the registrar of the admiralty courts.

He is the registrar of the court of pie poudre.

He does not practise, directly or indirectly, as an attorney in any of the courts of the corporation.

He is an ordinary governor of the free school.

He is a commissioner under the Rochester and Strood Paving Act, 9 Geo. 3, c. 32, if possessing the qualification mentioned in sect. 46.

The present town clerk is deputy clerk of the court of requests: he receives no emoluments from this situation, unless called upon to act by the absence or death of the principal clerk.

	£.	s.	d.
His salary from the corporation is - - - - - - -	4	–	–
His fees at the quarter sessions he estimates at about - -	8	–	–
He receives from the city-rate for what is called sessional business, which includes almost all his expenses, as connected with criminal justice at the quarter sessions - - -	60	–	–

This sum is paid in lieu of the bill which was formerly annually delivered: this used to amount to about 80*l.*; the new practice commenced at Michaelmas 1830.

He estimates his fees, as clerk to the justices, at 80*l.*

He receives 2*l.* 2*s.* annually as deputy steward of the court leet, and 1*l.* 1*s.* for preparing the paper for that court. He also receives a trifling sum, amounting last year to 5*s.* 4*d.*, for what is called Smoke-money, which consists of sums paid in the nature of essoign pence, from resiants, who should attend at the court leet.

His fees, as officer of the court of portmote, do not exceed a few shillings.

For attending meetings of the common council, and serving summonses, the remuneration appears to be from 20*l.* to 25*l.*; but this estimate is liable to great inaccuracy: he receives also a few shillings for swearing in the corporation officers.

His services at the court of admiralty, held for the oyster fishery, bring about 30*l.* to him, which are paid out of the funds of the fishery.

His services at the other admiralty court bring an annual average of about 3*l.* 3*s.*

A fee of 5*s.* is paid to him on the enrolment of the indenture of apprenticeship of any one to a freeman of the city; the average number of these for the last three years was 26 or 27; 2*s.* 6*d.* is also paid on the enrolment of the indenture of apprenticeship of a person to a free dredger; the average number of these in the last three years was from 29 to 30. If the indenture be enrolled as for an apprenticeship to a master, in the character of a free dredger and a freeman of the city at the same time, 5*s.* is paid for both.

A fee of 2*l.* 1*s.* is paid to him on the admission of every honorary freeman; these have averaged one in the year for the last three years. Fifteen shillings is paid on the admission

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of every other freeman; the annual number of these has been 54, on an average of the last three years.

On the admission of every free dredger 5*s.* is paid; the annual number of which admissions is about 19, on an average of the last three years.

His profit on every lease of the corporation is from 4*l.* to 5*l.*; these seldom occur.

He receives also 6*s.* 8*d.* every time the corporation seal is affixed to any deed, or to any document to be sent abroad. He also receives 4*l.* 4*s.* on the election of every Member of Parliament, besides his bill for the expenses of the election. On the last occasion, when there were three candidates, the whole bill, including the fee, amounted to 11*l.* 13*s.* 6*d.*, which, of course, does not include the stamps or payments out of pocket.

It seems generally agreed that the town clerk is not sufficiently remunerated for his labour. We believe that an important part of his profits arises from his management of the property which the corporation hold as trustees, of which profits he informed us that he had no estimate.

Chamberlains, functions of.

51. The functions of the Chamberlains are, in practice, performed by the senior chamberlain, the office of junior chamberlain being merely nominal. The senior chamberlain receives all the revenue of the corporation, and makes all the disbursements. Before any expense is incurred, the common council must authorize it. The bills are laid before the committee of general purposes, examined by them, and entered in the committee book; they are then laid before the common council, with a recommendation of the committee that they should be paid. The common council make an order for the payment, which is subscribed by three aldermen. This is the chamberlain's authority for making the payment. Such payments as are matter of course he makes without an order. The chamberlain has frequently large balances in his hands. He has a salary of 12*l.* 12*s.*, and a fixed allowance of 4*l.* 4*s.* for stationery and incidental expenses.

Coal Meters, functions of.

52. The Coal Meters measure the coals which are unshipped within the liberties of the city, for the purpose of securing the city dues. The corporation allow them 1*d.* for every chaldron measured; besides this, they receive a payment from the master of the vessel. One of the coal meters estimated his annual receipt from the corporation at 20*l.* per annum, and that from the master of the ship at 50*l.*

Corn Measurers, functions of.

53. The Corn Measurers measure all the corn unshipped within the liberties, upon which a due is collected for the city. They are paid by the masters of the vessels, but we were unable to ascertain how much.

Coroner, functions of.

54. The Coroner has exclusive jurisdiction throughout the liberties by land and by water. The Admiralty claim a jurisdiction for taking inquests on board of King's ships; but it has never been exercised by their officer, or admitted by the corporation. The coroner receives 1*l.* for each inquest, and 9*d.* for every mile he has to travel to take the inquest, but nothing for returning. The amount of the fees is considered to be about 70*l.*; the mileage, paid in addition, does not do more than meet the expenses of the travelling. The expense is defrayed out of the city rate; up to 1829 it was borne by the corporation.

Constables, functions of.

55. The Constables have the usual duties. They receive nothing but their fees of office, which, in ordinary years, amount to about 2*l.* or 3*l.*

Committee of Charitable Uses, functions of.

56. The Committee of Charitable Uses is appointed merely to manage property which the corporation hold upon charitable trusts. They receive no emoluments from the corporation.

Auditors, functions of.

57. The Auditors have only to ascertain that the chamberlain's payments have been authorized in the manner stated in sect. 51. There is a bye-law, that the accounts shall be passed in 30 days from the expiration of the chamberlain's office. This is never complied with; and we were assured that the nature of the revenues of the corporation made anything like a literal compliance quite impossible. The audit is seldom made except upon the chamberlain's request. The result of the audit is entered upon the books of the corporation; and one duplicate of the accounts is deposited in the corporation chest, and another is given to the chamberlain, if he desires it. At the time of our examination there were four years' accounts unaudited.

Beadle and Pound Keeper, functions of.

58. The Beadle and Pound Keeper receives a poundage upon all cattle impounded, and has also a salary of 4*l.* 4*s.* from the corporation for his duties as a beadle. His emoluments as crier are mentioned in sect. 66.

Borsholders, functions of.

59. The Borsholders are petty constables; the principal duty, however, is performed by the constables.

Ale Conner, functions of.

60. The Ale Conner examines the weights and measures, both alone and as an attendant of the quarter sessions jury, whose functions in this respect will be described hereafter. He generally destroys the false weights or measures. In 1832 he delivered in a bill of 3*l.* 15*s.*, which the chamberlain, who happened to be treasurer of the city-rate at the time, paid. Whether this is to be paid out of the corporation funds or the city-rate, or whether it ought to have been paid at all, does not seem to be yet ascertained.

61. The

Nominal Officers, functions of.

61. The Searchers and Sealers of Leather, the King's Hackneymen, Haymakers, Gauger, Searchers for unwholesome Meat, and Scavager to gather the Money, have no functions whatever, nor emoluments.

Gaoler, functions of.

62. The office of Gaoler is executed by the principal serjeant at mace. His salary is 56*l.* per annum, and is paid entirely out of the corporation funds; but how much of it belongs to him in each capacity has not been in any way arranged. He has a house allowed him, which is attached to the gaol.

Serjeants at Mace, functions of.

63. The principal Serjeant at Mace attends the corporation, executes the bailable writs, and writs of execution of the court of portmote, which are directed to him in the first instance, summons all the juries, and acts as crier at the quarter sessions. He has, as was mentioned in the last section, a salary of 56*l.*, which has lately been raised from 50*l.* On the election of each member to the common council, he receives a fee of 2*l.* 2*s.*; he has also a fee of 2*l.* 2*s.* on the admission of town clerk. He has 1*l.* 1*s.* on the admission of every honorary freeman, and 4*s.* on the admission of every other freeman. He is entitled to a fee for executing the writs of the court of portmote; but the court having fallen into a desuetude, the town clerk was unable to say whether this was half a guinea or a guinea. He has also 6*d.* upon every witness sworn at the quarter sessions.

The two under serjeants at mace attend the mayor at all the meetings and courts. Their salary is 16*l.* per annum, which has lately been increased from 10*l.* Each receives 1*l.* 1*s.* on every admission into the common council, 1*l.* 1*s.* on the election of town clerk, 10*s.* 6*d.* on the admission of an honorary freeman, and 2*s.* on the admission of every other freeman.

Water Bailiffs, functions of.

64. The principal Water Bailiff is the serjeant at mace of the admiralty courts, serves their process, and summons their juries. He also attends the quarter sessions as serjeant at mace. His duty is to prevent any infringements of the regulations of the admiralty courts and fisheries; in which office he is assisted by the under water bailiffs. He collects the corporation dues on coals, corn and seed, and anchorage. In collecting the first two of these he is assisted by the coal meters. He also employs a custom-house officer to assist him in collecting the dues, for which he makes him an allowance. He receives one halfpenny upon every chaldron of coals. His emoluments are estimated at 200*l.* per annum, after deducting about 40*l.*, which he allows to those whom he employs to assist him in collecting. He incurs some expense besides, in keeping a man and a boat to assist him in his office.

The water bailiff, who resides at Sheerness, is employed by the principal water bailiff as his deputy there, for which he is paid by the latter.

The eight other water bailiffs have all the same duties, which consist in acting under the principal water bailiff, in enforcing the regulations of the fishery and the rights of the admiralty court. They are paid according to their work, out of the funds of the fishery. Each person receives about 6*l.* in the year.

Collector of Thorough Toll, functions of.

65. The duty of the Collector of Thorough Toll, Market, and Stallage Tolls, is to collect the thorough toll, of which an account will be given in the detail of the revenue; to collect the market and stallage toll at the weekly market, and at the annual fair, which takes place at Strood. He is always sworn in as a constable of the liberties. He receives 18*s.* a week, besides 5*s.* a day for each of the days during which Strood fair lasts.

Crier, functions of.

66. The Crier is the same person as the beadle and pound keeper. It is supposed that he has the exclusive privilege of crying about the town. As crier he is paid by those who employ him. He is also allowed 2*s.* 6*d.* weekly for cleaning the town quay, and the pavement under the town hall.

Provider, functions of.

67. The Provider's duties are confined to the management of a charitable trust. He is paid by a per-centage, which amounts, we believe, to about 80*l.* per annum.

Keeper of Watt's Charity, functions of.

68. The duties of the Keeper of Watt's Charity are also confined to the execution of a charitable trust. He is paid entirely from the funds of a charity. We do not know the amount of his emoluments.

Freemen, privileges of.

69. The Privileges of the Freemen, as connected with the internal detail of the constitution of the corporation, have been already described.

All retail traders are liable to an annual fine of 30*s.* for carrying on trade within the city without being free. This fine was formerly fixed at 30*s.* per annum. It was afterwards raised to 3*l.*, which occasioned a resistance to the collection. The corporation brought an action, in which they were nonsuited, from a defect (we were told) in the pleadings. The fine has again been lowered to 30*s.* In the year ending Michaelmas 1830 only 53 persons paid it; in the following year only six; and since that not one.

The freemen are exempt from thorough toll, piccage, and stallage.

They constitute, exclusively, the juries of the court leet. In common with all the inhabitants, they are exempt from serving on county juries.

The scholars of the free school must be taken from the sons of freemen.

The freemen are exempt, by the charter of Henry 3, from all tolls throughout England. The effect of this is, to exempt them from all tolls which had not been granted by the Crown at the time of this charter. The exemption has accordingly been recognized at Portsmouth, Lymington, Yarmouth, and Cowes. The charter of Edward 4 extends this to all inhabitants of the liberty, and we were told that it had been recognized in the case of an inhabitant, not a freeman, at Cowes.

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According to some of the entries of the admiralty court books, that court consists of the mayor and "other citizens to him called;" but, in practice, no one who is not a member of the common council assumes any authority in this court.

Up to the Reform Act the freemen, resident or not, had the exclusive privilege of voting in the election of Members of Parliament for the city.

All the corporation are commissioners under the Sheerness Pier Act, 10 Geo. 4, c. cxx.

Jurisdiction of Corporation.

70. The Corporation exercise Jurisdiction by
1st. The court of quarter sessions and gaol delivery.
2d. The courts leet.
3d. The petty sessions.
4th. The court of portmote.
5th. The court of pie poudre.
6th. The admiralty courts.

Court of Quarter Sessions.

The Court of Quarter Sessions has exclusive jurisdiction over all offences committed within the liberties. An execution took place about 14 years ago. The judges are the four magistrates of the corporation, namely, the mayor, recorder, senior alderman, and late mayor. The recorder always attends: the depositions are sent up to London, previously to the sessions, for his inspection. All four magistrates usually attend.

The method of selecting the juries is as follows: The magistrates examine the poor-rate assessments of all the districts within the liberties; they then, with the assistance of the parish-officers, form two lists, one containing the names of such persons as appear to them fit for grand jurors; the other, the names of such as appear fit for petty jurors. The present list was formed previously to Midsummer sessions 1833: before this revision the lists had not been revised for many years; it is intended that there should be an annual revision for the future. The present grand jury list contains 115 names, the petty jury 184: the names of the aldermen and assistants are excluded from these lists. The number of registered 10*l.* householders within the liberties, on the right bank of the river, is 433; when to this number is added that of the 10*l.* householders within the liberties, on the left bank of the river, of which we have no distinct list, the whole number of 10*l.* householders will be given. The town clerk estimated this whole number at 580, but we think that he made too large an allowance for the number on the left bank of the river. Still the two jury lists appear to contain, together, a much smaller number than might have been expected, even after taking into consideration the number of 10*l.* householders necessarily excluded from it, either as members of the common council, or as possessing any other exemption. Three weeks before each sessions the names of all the persons on the two lists, who have not served during the current year, are put into parcels respectively: the principal serjeant at mace draws out 21 for the grand jury, and 28 for the petty jury. The names of two assistants are placed at the head of the grand jury panel; these two names are taken in rotation, each assistant serving for two succeeding sessions, first, as the junior, and next, as the senior; in the latter case he is the foreman, in the former he is sometimes called the deputy foreman. These panels are always struck in the presence of the magistrates, and the jurors are summoned by the principal serjeant at mace. Some of the inhabitants complained of the custom of always selecting the foreman from the assistants; this has been several times brought before different recorders at quarter sessions, but the present practice has been always sanctioned by them.

The town clerk is clerk of the peace and clerk of indictments. The constables, borsholders, the three serjeants at mace, and the principal water bailiff, attend the court; the principal serjeant acts as crier. The names of all the common council used to be called over, but the custom has fallen into disuse. The sessions are attended by barristers. A table of fees and allowances was settled in January 1830 by the magistrates, and it was ordered that a printed list should be put up. The expenses of the prosecutor and witnesses are the same as at the county quarter sessions; the town clerk's fees are taken from the list at the Old Bailey, the charges of which we understood to be very low. The quarter sessions, which are generally held on Saturday or Monday, are adjourned, after the termination of the business, to the Wednesday six weeks. On this day the grand jury perambulate the principal streets, and make presentments of nuisances. When the presentments have been made, the town clerk sends a notice to the parties concerned. This is generally the whole business transacted at the adjourned sessions.

Court Leet.

The General Court Leet is held, on the Monday after Michaelmas-day, for the liberties; the corporation are the lords of the leet. It is held before the steward or his deputy. The recorder very seldom attends: the town clerk is his deputy. The jury consist entirely of freemen; 21 are taken by ballot from the grand jury list exactly in the same way as the grand jury in quarter sessions are balloted for, except that the names of persons, not freemen, are rejected when drawn; so that the drawing goes on until a list of 21 freemen is obtained. The names of two assistants are placed at the head of the list; their names are taken in rotation, and the senior of the two acts as foreman; neither of them serves at the next court. This method of appointing the foreman was the subject of complaint. The jury are summoned by the borsholders; it is understood that the essoign penny, or smoke money, mentioned in the 50th section, is to be taken from all the inhabitants, whether freemen or not. The lists of the resiants are called over, and nominal fines are imposed on all who do not attend and have not paid the essoign penny. The constables and borsholders attend the court. The business is confined to the election of the officers already mentioned as being chosen by the leet jury; for this purpose, the jury are furnished by the town clerk with two lists, one containing

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containing the names and titles of the officers of the preceding year, the other, a blank form to be filled up. It frequently happens that members of the leet jury are themselves candidates for offices. We mentioned in the 30th section a dispute which arose on the subject of the election of auditors: some doubt seems to exist, whether the presentment made on that occasion was really the presentment of the leet jury. It seems that the foreman assumed that all assented to the ultimate presentment who did not expressly dissent, or expressly refuse to vote; and upon this principle there was an actual majority for the ultimate presentment; but those who expressly assented did not amount to a majority. Such of the new officers as happen to be present are sworn in; the remainder are sworn in at the next quarter sessions.

The borsholders also make a formal presentment, stating, that there is nothing to be presented.

It appears by the records of the court leet, that the jury in former times presented nuisances.

Boley Court.

There is also a court leet held upon the Boley-hill, which is a place within the city. The court is held in the open air, and is merely a matter of form.

Petty Sessions.

The Petty Sessions are held on the Wednesday and Saturday of every week. Of the three resident justices, all sometimes attend, generally two. The town clerk is clerk to the magistrates, and usually examines the witnesses. It seemed to be generally agreed, that the number of justices for the liberty was too small. In some instances, the number of magistrates has been too much limited by the necessary absence of magistrates personally connected with the case: in others, inconvenience has been felt from the non-residence of a single magistrate; and we were informed that business had sometimes been necessarily put off from the want of magistrates. We are strongly of opinion that an increase in the number is very much wanted. The administration of justice was universally admitted to have been perfectly pure: this admission was readily, and indeed eagerly, made by the parties most bitterly opposed to the present system of the corporation.

Court of Portmote.

The charter directs that the Court of Portmote shall be held, from 15 days to 15 days, for all pleas, real, personal, and mixed, arising within the liberties, before the mayor and two aldermen, to be nominated by the mayor, or some two or more of them. This court has fallen into almost complete desuetude: arrests occasionally take place, but it is admitted that no regularity whatever is preserved in the practice. At the only trial which has occurred for some time, the parties agreed to waive all objections as to form, and to try the question merely on its merits. The process is directed to, and executed by, the principal serjeant at mace: we could find no person capable of giving us any further information on the subject. When actions are brought, they are now, unless compromised, invariably removed. It seemed to be generally agreed that, under proper regulations, this court might be made of essential service in cases not falling within the jurisdiction of the court of requests, hereafter mentioned, section 71.

The town clerk is the prothonotary.

Court of Pie Poudre.

All that is known of the Court of Pie Poudre is, that it was once held in 1810, and that the mayor, with the town clerk and constables, attended.

Court of Admiralty.

The charter of Edward 4 gives to the corporation exclusive rights belonging to the Admiralty; but the most important part of the admiralty jurisdiction of the corporation is, that connected with the oyster fishery.

Oyster Fishery.

This fishery is now regulated by an Act passed in the 2d Geo. 2, c. 19; and in this Act there is a recital, that the oyster fishery has existed time out of mind within the jurisdiction of the mayor and citizens of the city of Rochester. Persons become free of this fishery, or "free dredgers," by having served a seven years' apprenticeship to a free dredger. The indenture of apprenticeship must be enrolled, and the admission entered by the corporation of Rochester; the fee upon the enrolment of the indenture is 2*s.* 6*d.*, and that upon the admission, 5*s.* The affairs of the fishery are managed by a jury, annually selected by the mayor from the free dredgers; the mayor, at the time of the selection, generally consults the foreman of the preceding jury, as to the persons who ought to be named. The jury regulate the fishery by rules, which they annually revise, making such additions or alterations as they think fit; and the rules, thus settled, are formally presented at a court of admiralty, and approved of by the court, which consists of the mayor and such citizens as he calls to his assistance. This is practically managed by giving a public notice of the holding of the court, at which such aldermen and assistants as choose attend. The Act of Parliament directs, that the rules shall be confirmed by the mayor and aldermen assembled in the court; but, according to the entries in the court books, assistants exercise this as well as other powers in the court. The town clerk is the registrar, and the officers are the principal and under water bailiffs. The regulations consist principally of rules for the management of the beds of oysters belonging to the fishery. They are enforced by fines, which the court impose, after presentment by the jury and an examination of the facts. For these purposes the court is adjourned from time to time, the same jury serving for a year. The jury for the time being are also the governing body of the oyster fishery: they nominate committees for the purpose of raising money, purchasing brood oysters, and for managing such other details as may be necessary. The oyster beds are the property of the fishery: the individual free dredgers, who take the oysters at the proper time from the beds, are remunerated by the fishery for their labour, according to the sale of the oysters and the general state and prospects of the

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fishery funds. The concern is one of great magnitude and importance, and seems to be well managed. We were informed that the corporation of free dredgers were in good credit, and had no difficulty in raising the very large sums necessary for the current outlay. At a court held in January 1833, the jury presented that, for re-stocking the grounds with brood, it was necessary to take up the sum of 25,000 *l.*, which presentment was confirmed by the court. The jury annually elect a chamberlain to act as treasurer.

Conservancy.

The admiralty court exercises another species of jurisdiction. When held for this purpose, it is called the Court of Admiralty for the Conservancy of the River Medway. The jury are selected by the mayor from the free dredgers, but only such are taken as are freemen of the city. The business of this court is, to regulate whatever relates to the floating fish within the liberties. The regulations are made by the jury, much in the same way as those in the oyster fishery. It does not appear that presentments are made, or fines imposed, for the infringement of these rules; but they are generally enforced by some summary proceeding, such as the seizure of improper nets.

Police.

Besides the peace officers already mentioned, further provision is made for the Police of the town, by a local Act. The Act 9 Geo. 3, c. 32, is for paving, cleansing, lighting, and watching, the parish of St. Nicholas and the parish of Strood. The commissioners under this Act are the mayor, recorder, town clerk, and justices of the city, the Members of Parliament for the city and county, and for Canterbury, Maidstone, Queenborough, and the Cinque Ports, the dean, vice-dean, and archdeacon of Rochester, the vicars of St. Nicholas and Strood, and 197 other individuals named in the Act. Every commissioner must be in the possession of real property of the annual value of 50 *l.*, or of personalty to the amount of 1,000 *l.* The commissioners are to fill up the vacancies, nine being a quorum for this purpose. The commissioners are authorized to levy a rate not exceeding 1 *s.* in the pound in St. Nicholas, and 9 *d.* in the pound in Strood, according to the actual assessments to the poor in those parishes respectively: two-thirds of the assessment are to be allowed by the landlord to the tenant. The Act also directs that two turnpike gates shall be erected, a part of its provisions being directed to the construction of a new road within the districts. There is an unlimited power to borrow money. Under this Act four watchmen are appointed, with a superintendent: there are also a clerk, a treasurer, and a collector. The Act gives power to the watchmen to apprehend suspicious persons. The commissioners have the power of extending the Act to such parts of Strood as they may choose, and they have taken in some parts of the parish which are without the liberties. The whole of St. Nicholas is within the Act. The whole of the rate allowed by the Act is invariably laid on: this acts very unequally, on account of the capricious assessment to the poor-rate in the two parishes. The annual produce of the rate is rather more than 300 *l.*; but the toll-gates produce nearly 1,400 *l.* There is a debt of about 10,000 *l.*, which seems to be undergoing a very slow process of reduction. Neither the watching, paving or lighting appears to be satisfactorily performed: this appears to arise principally from the insufficiency of the funds. There are two Acts for paving, cleansing, lighting and watching the town and parish of Chatham, 12 Geo. 3, c. 18, and 16 Geo. 3, c. 58; the latter Act extends the provision of the former to such parts of the parish of St. Margaret as take in the High-street of Chatham. The commissioners under these two Acts are certain persons named, 43 in number, who have power to fill up vacancies. The qualification for future commissioners is the possession of real property, freehold or leasehold, of the clear yearly value of 10 *l.* within the parish of Chatham, but a resident within the town and parish may qualify upon an occupation of the clear yearly value of 12 *l.*, added to a personalty of 500 *l.* The commissioners have the power to order the pavement of any part of the district to be constructed or repaired, and to compel the tenants of the premises adjoining to pay the expense of it. The tenant is to be repaid by his landlord, and may set it off against his rent. Great complaints are made of this system by persons, on account of their being compelled to defray these expenses, not ordered by themselves, or executed by their own workmen, and of the expense being thrown upon the persons inhabiting near the part repaired, instead of all the inhabitants in common. The other expenses incurred under the Act are to be defrayed by a rate not exceeding 9 *d.* in the pound in the greater part of Chatham, 6 *d.* in the remaining part, and 6 *d.* in the parish of St. Margaret, on the rack-rent. Land not built upon, and houses out of the town, are exempt. The commissioners are to appoint watchmen, not exceeding six in number. The paving and lighting under this Act appear to be satisfactorily performed; the number of watchmen is quite inadequate. The whole sum allowed by the Act is annually raised; it produces about 400 *l.*, of which 200 *l.* is expended in lighting. The commissioners are not in debt.

Each of the parishes of St. Nicholas and Strood employs a day policeman. In St. Margaret's there is a voluntary association for the maintenance of a night patrol. So much of this last parish, as is not a continuous part of Chatham, is without the operation of both Acts, and this forms a considerable portion of the town of Rochester.

The precinct of the cathedral is not within any Act.

It will have been seen that the Chatham Acts extend into the liberties of the city of Rochester; that the Rochester Act extends out of the liberties; and that a large part of the town is not included in any Act. It is scarcely possible to conceive a more irregular, inadequate, or unpopular method of discharging these municipal functions than is exhibited by these Acts. We believe that the inhabitants, if they had a free voice in the election of the governing body, would not object to entrust to it the general superintendence of these departments.

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The mayor and corporation are commissioners, with other persons named, for carrying into execution an Act passed for maintaining the Pier of Sheerness, 10 Geo. IV. c. cxx. As this pier projects into the water, it is so far within the liberties of the city of Rochester; and the functions to be performed by the commissioners are, to a certain degree, municipal. But we found no one at Rochester who appeared to take any interest in the Act, and as it is technically rather than practically a matter in which the corporation are interested, we have not thought it necessary to offer any details on the subject. Sheerness Pier Act.

71. A Court of Requests is held at Rochester, under the provisions of two Acts of Parliament, 22 Geo. 3, c. 27, and 48 Geo. 3, c. li. Its jurisdiction extends throughout the city of Rochester, and 16 other parishes named, and the ville of Sheerness, the whole comprehending all the liberties, and a large area round them. The commissioners are the mayor, recorder, aldermen, and assistants of the corporation, and 40 other persons named, in different proportions, from the six central parishes. The vacancies, occasioned by death, non-residence, and non-attendance, are to be filled up every Easter, from the parishes in which the vacancies have occurred, by the inhabitants in vestry assembled. The commissioners, with the exception of the official ones of the corporation, must possess a qualification of a real estate of the clear yearly value of 30 *l.*, or personalty to the amount of 500 *l.* The first Act gives jurisdiction over debts between 2 *s.* and 40 *s.*, over which three commissioners have jurisdiction; and the second gives power to five commissioners to determine causes for debts not exceeding 5 *l.* No balance of a debt, originally exceeding 5 *l.*, can be sued for under the provisions of the second Act. There is no such provision in the first Act. The consequence is, that the balance of a debt, originally above 5 *l.*, cannot be sued for unless reduced below 40 *s.*, in which case it may be sued for. The court sits once a month. Quarterly meetings are to be held for the general regulation of the courts, at which 23 commissioners must be present: the consequence of so large a number being required is, that a quarterly meeting can seldom be obtained. A casting vote is given to the mayor, if present; in his absence, to the recorder, if present; in his absence also, to the senior alderman present; in the absence also of all the aldermen, to the senior assistant present; in the absence of all the above, to one of the commissioners, according to rules laid down. The average annual number of causes, decided in the court, taken upon the 10 years ending in 1832, is 909. It seemed to be agreed that the Act has operated very beneficially; but complaints were made by one or two persons of the largeness of the fees: these are regulated by a table, given in the latter of the two Acts; and we do not consider the complaint well founded. The clerk is an attorney; various estimates were made of his emoluments; the most probable one seemed to average them at 220 *l.* The fees of the officer of the court who executes the process were estimated by himself at 50 *l.* annually. Court of Requests.

72. The County Court is held once in the month at Maidstone, eight miles distant from Rochester. County Court.

73. The question as to the Extension of Jurisdiction appears to be one of extreme difficulty. There can be no doubt of the propriety of bringing the whole of the ecclesiastical precincts within it. The parish of Chatham is divided by a line, which is perfectly arbitrary, separating the Parliamentary and Municipal borough of Rochester from the new Parliamentary borough of Chatham, and from the present county jurisdiction. The parochial rates are separately laid upon the part of Chatham within the liberties and the part without, but after collection are paid into one fund, and the poor of the two parts are maintained in common, so that, except for the allowance and collection of the rate, no division is made in the parish. The assessments being uniform, and the rate equal, no inconvenience seems to be experienced in any parochial arrangements from this division. The rates for the parts within the liberties are confirmed by the city magistrates, and those for the part without by the county magistrates. Nevertheless, the anomaly of dividing a populous town into distinct jurisdictions is so striking, that we thought it right to make inquiries as to the probable effect of uniting all Chatham and all Rochester under one municipal constitution. It seemed to be universally agreed that such a step would create violent dissatisfaction in both Rochester and Chatham. The inhabitants of the two towns entertain strong feelings of jealousy and rivalry, and have long done so; and these feelings were the cause of the absurd system of local Acts which we have detailed in the 70th section. This is our reason for not recommending a municipal union. At this point, therefore, we think that the limits must be left as they now stand. In the parish of St. Margaret, about 300 acres of the southern extremity are cut off by both the municipal and Parliamentary boundaries; the latter has not been altered in this quarter. No division of rates takes place for the two parts of the parish of St. Margaret, like that in the case of Chatham; the consequence has been, that the rates are always informally allowed, being confirmed by the city justices only. We know of no other inconvenience arising from the division of the parish; and it appears to us that it would be better to obviate this by separating the rating, than by annexing to the liberties of Rochester a district of a character altogether rural. With respect to the parish of Strood, a separate rating has been established, as in the case of Chatham, for the parts within, and the parts without, the liberties. The boundary line here separates the two sides of a street, a circumstance well known, and occasionally made use of by persons wishing to baffle the city authorities. The new Parliamentary boundary seems to have been judiciously drawn, and we think it might very advantageously be adopted for municipal purposes. A part of the parish of Strood will still be left out, and a part of the parish of Frindsbury will be taken in; but any difficulty which might be apprehended from the new division of these parishes may, we think, be easily obviated, by simply altering the division Whether the Jurisdiction requires extension.

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division of rates in the parish of Strood, and making a division of the same sort in the parish of Frindsbury, leaving the parishes for all other purposes entire.

Gaol.

74. The Gaol stands upon land which is held on lease by the corporation. It is occasionally visited by the borough magistrates. It contains the very few prisoners occasionally confined under the process of the court of portmote, those confined under the process of the court of requests, and the prisoners confined, either before or after trial, under the authority of the court of quarter sessions. The means of separating the different classes of prisoners are by no means perfect; and the arrangements for inflicting hard labour are so defective, that, when this makes a part of the sentence, it is carried into effect only by requiring the convict to sweep the gaol yard.

The gaol was built in 1809 at the expense of the corporation. Money was raised by them on annuity at 8 ½ per cent. on two lives, and some leases for 99 years were granted on a premium at a nominal rent. It cost from 5,000 to 6,000*l.* We have already mentioned (sect. 45) in what way the patronage of the governing body was exercised in selecting the tradesmen. The expenses of the gaol are now defrayed from the city rate, excepting the salary of the gaoler, who is paid 56*l.* annually by the corporation for his services as gaoler and serjeant at mace. There is no regular chaplain or matron; the gaoler's wife, however, attends, receiving no salary. The surgeon who is employed is a member of the corporation; he has no fixed salary.

Poor.

75. The corporation take no part in the management of the poor. Some of the parishes have local Acts by which the superintendence of the poor is regulated.

Fairs.

76. An annual Fair is held at Strood, at which the corporation take piccage and stallage, the amount being regulated by the size of the stall, and coming to a very trifling sum.

There were also formerly two fairs held at Rochester in May and December; these have been discontinued for some time; but a person to whom the corporation have let their cattle market and the ground on which it is held (as mentioned in the next section), has allowed the ground to be used for what are called fairs, and which seem to be looked upon as taking the place of the ancient Rochester fairs; and at these the lessee levies a stallage; but the corporation take no part in them.

Markets.

77. A Market is held every Friday, at which the corporation receive piccage and stallage, 4 *d.* being levied for every standing, whatever be the space occupied.

There is also a cattle market held on the fourth Tuesday in every month: this, with the soil on which it is held, is leased out by the corporation; the lessee takes a sum for every head of cattle.

The mayor is properly the clerk of the markets, but he never acts in that character.

City Rate.

78. A City Rate was first laid on at Easter sessions 1829, and it has been levied ever since that time. It is levied together with the poor-rate; the proportions to be paid by the different parishes being settled by the city magistrates. They are as follows, on a fourpenny rate, which is the most usual one:

	£.
St. Margaret	132
St. Nicholas	104
Strood intra	26
Chatham intra	22
Total	284

The rate laid on in Easter 1829 was a twopenny rate; in the Michaelmas of 1829, and at every succeeding Michaelmas, a fourpenny rate has been laid on. This rate is applied to the usual purposes of county rates, except that no gaoler's salary is paid from it (see section 74). The accounts are examined and published in the usual way; but some dissatisfaction has been expressed on account of the items not being minutely specified: the published accounts are however as full and minute as is usual in the case of county rates.

A salary of 12 guineas is allowed to the treasurer.

Patronage: Free School.

79. The only Patronage exercised by the corporation is that connected with the management of the Free School. This school was founded and endowed by Sir Joseph Williamson. Provision is made for the gratuitous education of sons of freemen; the education is confined to mathematical instruction, the original intention having been, it seems, to make it a mathematical seminary. The school has extraordinary governors and ordinary governors. The extraordinary governors are certain public functionaries, such as the Archbishop of Canterbury and the Lord High Chancellor. The ordinary governors include the mayor, the late mayor, the senior alderman, the recorder, and the town clerk. The mayor has the precedence among them. The extraordinary governors interfere upon differences of opinion among the ordinary governors; but the latter have the management of the school in the first instance. They nominate the scholars and appoint the head and under masters. The present head master is a freemen and a clergyman of the Established Church. Both the masters are graduates of the University of Cambridge. The scholars must be sons of freemen; they find their own books, but the education is gratuitous in other respects. There are now about 70 or 80 scholars in the school; this is considered to be about the number which there are means of accommodating. The education of this school appears to have been not much coveted formerly, but to have become more sought for since the appointment of the present head master.

80. The

ROCHESTER.

30. The Licences for public-houses are granted by the magistrates of the city. In 1811 there were 61 licensed houses; since that time six have been taken away, and three restored; the present number is therefore 58. One of the aldermen, not a magistrate, is the owner of several public-houses; but he has the full beneficial property in only one of these; the remainder he holds as trustee for his sons; he is however interested in the brewery, with which all the houses are connected. The inconvenience produced from the smallness of the number of magistrates would be increased if this gentleman should become senior alderman. Licences.

The corporation is owner of three licensed houses; one of these is let at a nominal rent for 99 years, of which 70 are unexpired; the other two are let at rack-rent for 21 years, one of the terms being almost new, the other almost expired.

31. The following abstract of the income and expenditure for the last three years was made out, at our request, on the part of the corporation. Funds.

"City of Rochester." AN ANALYSIS of the Accounts of the Chamberlain of the said City.

RECEIPTS.

Year.	Balances of former Accounts.	Interest on Exchequer Bills.	Rents.	Freedoms.	Liberty of Trade.	Oyster Fishery.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	- - -	15 7 6	224 7 -	200 - -	79 10 -	10 - -
1831	575 19 1	11 8 9	223 10 -	- - -	9 - -	10 - -
1832	790 6 7	22 17 6	348 19 -	- - -	- - -	10 - -
	500 Exch[r] Bill.					

Toll, Piccage and Stallage.	Coal Dues, after payment of Coal Meters, &c.	Corn and Seed Dues.	Anchorage.	Fines and Penalties.	Forfeited Recognizance, afterwards paid over to the Sheriff for the Crown.	TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
67 2 3	890 8 4	87 17 10	217 16 -	34 3 6	20 - -	1,846 12 5
102 12 -	846 6 9	63 - 7	214 18 -	- -	- - -	2,056 15 2
72 5 -	881 15 4	27 18 -	159 4 -	- -	- - -	2,813 5 5

EXPENDITURE.

Year.	Balances of former Accounts Paid.	Expenses of collecting Revenues.	Payments in the Nature of Salaries.	Repairs.	Entertainments.	Charities.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	- - -	77 1 10	140 16 -	31 18 6	- - -	34 - -
1831	20 10 -	121 5 6	140 16 -	51 16 6	- - -	34 - -
1832	- - -	119 4 4	140 16 -	359 7 2	- - -	34 - -

Permanent Outgoings.	Interest of Debt.	Contingencies.	Balances in Hand.	Forfeited Recognizance, paid over to the Sheriff for the Crown.	TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
208 5 3	425 - -	353 11 9	575 19 1	- - -	1,846 12 5
152 16 9	425 - -	300 3 10	790 6 7	20 - -	2,056 15 2
235 2 1	425 - -	289 14 6	1,210 1 4	- - -	2,813 5 5

N.B. In the head of Contingencies is included the expense of a dinner provided by the principal serjeant at mace and gaoler, at his house, for the poll-takers at the election of mayor, coroner and constables, and at which dinner any members of the common council attend who please to do so. The average expense of such dinner is about 12*l.*, and it is charged in the general bill of the principal serjeant on the corporation."

ROCHESTER.

Balances.

The Balances are usually invested in Exchequer bills, when they are of magnitude sufficient to make this worth the while.

Interest on Exchequer Bills.

The Interest on these Bills forms, accordingly, an item in the year's revenue.

Rents.

The property from which the Rents accrue lies almost entirely in the liberties. The greater part is let at rack rent; some on common terms, some from year to year. There are three or four leases let on terms of 40 years, renewable every 14 years, at a fine of one year's annual value. The property is commonly let by tender, except in this last case; and we do not find that any preference is shown to members of the corporation. The annual rental is now between 370*l.* and 380*l.*, and will be still higher next year.

Freedoms.

We have given an account of the sums raised by the admission of Freemen in the 43d section.

Liberty of Trade.

The sums paid for Liberty of Trading have been mentioned in the 43d section.

Oyster Fishery.

The sum of 10*l.* is annually paid, as mentioned in sect. 46, by the Free Dredgers to the mayor, towards defraying the expenses of holding his court.

Toll, Piccage and Stallage.

The Piccage and Stallage are collected at the fairs and markets, as mentioned in the 76th and 77th sections. They do not amount to more than about 10*l.* in the year.

The toll is a toll thorough, levied upon all persons who are not freemen bringing goods into the city for sale. The right to take this has been established in an action at law, in which the corporation were plaintiffs, and which was defended by a general subscription. All freemen are exempt from the payment, and so are persons who have served in the army or navy. The highest toll levied is that taken from an alien bringing into the city a cart with merchandize. For this he has to pay 1*s.* The exaction of the toll causes great dissatisfaction. It was represented to us that it pressed very unequally on persons bringing articles for sale (fruit and vegetables, for instance) from different parts. It seems that the competition in the Chatham market must be checked by the tax which is imposed on such sellers as are obliged to pass through Rochester, and from which those persons are exempt who can reach Chatham without traversing the liberties. The toll is not exacted very strictly from poor persons, a general direction to this effect being given to the collector. This, however, places a discretion in his hands which seems very objectionable.

Coal Dues.

The Coal Dues are levied on all coals unshipped within the liberties. The duty is 4*d.* per chaldron. Of this sum 1½*d.* is paid for collection; that is, 1*d.* to the city coal meter, and ½*d.* to the principal water bailiff. No one is exempt from the payment. The right has been established by a legal decision.

Corn and Seed Dues.

One penny is levied per quarter on all Corn or Seed unshipped within the liberties.

Anchorage and Groundage.

Every ship, not being a King's ship, and not registered at Rochester, which casts anchor or comes to moorings in the liberties (not being ordered thither on quarantine), pays 2*s.* if a British ship, and 4*s.* if a foreign ship. Till 1819 this was received by the mayor, as mentioned in sect. 46.

Fines and Penalties.

The Fines and Penalties are the sums levied at the sessions, which the corporation take as grantees of the Crown. The sum arises principally from fines levied on persons for not serving as jurors.

Forfeited Recognizance.

The corporation claimed and took a Forfeited Recognizance of 20*l.*; but on further examination they did not consider themselves able to show a right to do so, and it was repaid to the Crown, as appears by the account of the expenditure for 1831.

Expenses of Collecting Revenue.

On our inquiring as to the items which make up the sums assigned to the Expense of Collecting the Revenue, we were requested to postpone this part of the investigation, and to pass for the present to the next head. A part of the sums placed under this head has been accounted for in the detail given of the functions of the officers; but the expense of collecting the coal dues does not enter into this sum, as it has already been deducted from the gross proceeds of that duty, and the net income only has been given in the account of the revenue.

Payments in the nature of Salaries.

The Payments in the nature of Salaries are as follows:

	£.	s.	d.	
Principal serjeant at mace - - -	50	–	–	(now raised to 56*l.*)
Under serjeants, 10*l.* each (now raised to 16*l.* each) - - -	20	–	–	(now raised to 32*l.*)
Recorder - - - - - -	50	–	–	
Chamberlain - - - - -	12	12	–	
Town clerk - - - - - -	4	–	–	
Crier - - - - - - -	4	4	–	
£.	140	16	–	

The

The Repairs have been performed in the Town-hall, the gaol, and the gaoler's house. Repairs.

The Entertainments of the corporation are defrayed by such members as attend them. On one occasion, since the latest date included in the analysis, the recorder invited the magistrates to dinner at the quarter sessions, and the corporation, considering it unfair that he should be put to an expense of this kind, paid for the entertainment from their funds. Entertainments.

The sum of 30 *l.* is paid annually to the widow of the late town clerk. A sum of 4 *l.* is also paid annually to a charity called Brook's Charity; 50 *l.* was bequeathed to the corporation on condition of their making this annual payment. No other charitable payments made by the corporation in the character of trustees appear in the account; as we requested that all such payments should be excluded, our commission not extending to inquiries of this nature. Charities.

We were requested to postpone our inquiry as to the items making up the sum assigned to permanent outgoings, and to pass first to the other heads of expenditure. We believe that a part of the permanent outgoings is made up of the rent paid by the corporation for the land on which the Town-hall stands, which is held, as we understand, of the wardens of Rochester Bridge. Permanent Outgoings.

The Interest of the Debt consists entirely of 3 ½ per cent., paid during the longest of two lives, on 5,000 *l.* borrowed for the purpose of building the gaol. Interest of Debt.

On our inquiring as to the items making up the sum placed under the head of Contingencies, the resolution mentioned in the 45th section was handed in to us, and the town clerk declined explaining what was meant by contingencies, adding, that he should not explain in what way the sums placed respectively under the heads of the expenses of collecting the revenue and permanent outgoings were placed. The resolution and the refusal were communicated to us at the close of the 2d of December, the sixth day of examination. The conversation on the subject passed, partly on that evening, partly at the opening of the meeting of the next day. Contingencies.

We are thus unable to explain in what way these sums are made up, excepting as to the 12 *l.* mentioned in the note added to the analysis: the bills of tradesmen must be placed under one of the unexplained heads, probably under that of contingencies. It is to be observed, that the resolution speaks of the analysis having been delivered in to us; in fact, the analysis was not delivered in till the middle of the 6th day, December 2, and the resolution was probably prepared before the commencement of that day's proceedings. But it cannot have been prepared very long before that day; for we were told on the evening of the 30th of November, that the analysis was not quite ready; and, as far as we can recollect, the form for it was not given in by ourselves before the close of the meeting of the 28th of November, and certainly not before the close of that of the 27th of November. On several occasions, between our giving it in and its redelivery to us, questions were asked as to the nature of the headings which we had suggested; we feel, therefore, confident that the resolution to refuse information as to the items in question was made later than the 28th of November, and probably in the interval between the evening of the 30th of November and the morning of the 2d of December, Saturday and Monday respectively. The evidence respecting the preference given to the tradesmen of the corporation, mentioned in sect. 45, and as to the method of ordering the expenditure and auditing the bills, as mentioned in sections 51 and 57, was given on the 28th of November. We have scarcely any doubt, therefore, that the resolution for the concealment was made after this evidence had disclosed the circumstances referred to. In order to enable the corporation to meet any inference arising from this, we inquired, in two successive questions, the date of the resolution, and whether the contingencies included the tradesmen's bills, but received no answer to either question. On the other hand, even those opponents of the corporation who expressed most strongly their own suspicions, arising from the peculiar circumstances under which the concealment took place, declared that they were surprised that anything should occur giving ground for such suspicions, and that they had not been previously prepared to suggest any doubts as to the fairness of the expenditure. This is a circumstance of much weight in a place where party feeling is so violent and uncompromising, and where there is so little probability that a suspicious circumstance should escape notice.

It has already been explained, that a Forfeited Recognizance, taken by the corporation, was paid back to the Crown. Forfeited Recognizance.

32, We give a statement respecting the population and buildings during the present century. State and Prospects of the Town.

ROCHESTER.

DISTRICTS.	Population, 1801.	Population, 1811.	Population, 1821.	Population, 1831.	Inhabited Houses, 1801.	Inhabited Houses 1831.
Precincts of the Cathedral	-	180 [a]	129 [a]	138 [a b]	-	25 [b]
Chatham within the Liberties	-	-	-	505 [a b]	-	98 [b]
Whole parish of St. Margaret [c]	2,642 [a]	3,296 [a]	4,129 [a]	5,025 [a b]	-	928 [b]
Whole parish of St. Nicholas	3,003 [a]	3,090 [a]	3,294 [a]	3,050 [a b]	-	495 [b]
Strood within the Liberties	1,172 [a]	2,504 [a]	1,243 [a]	1,173 [a b]	-	192 [b]
Liberties, exclusive of the Cathedral Precincts and of Chatham [c]	6,817	8,890	8,666	9,248	1,136 [d]	1,615
Liberties, exclusive of Chatham [c]	-	9,070 [e]	8,795	9,386	-	1,640
The whole Liberties [c]	-	-	-	9,891	-	1,738

The whole population within the Parliamentary boundary has been estimated, in the summary annexed to the Boundary Report upon Rochester, at 12,058.

According to the revised barrister's list for the year 1833, the constituency is as follows:

	£.10. Householders, not Freemen.	Whole Number of £.10. Householders.
St. Nicholas	101	177
St. Margaret	170	225
Chatham (intra)	22	31
Strood	109	exceeding 109
Frindsbury	23	exceeding 23
Precincts of the Cathedral	11	20
Total	436	exceeding 585

In the Strood and Frindsbury lists the freemen are not entered in the list of 10 *l.* householders.

The town of Rochester, as well as that of Chatham, was in a great degree dependent upon the expenditure produced by the naval and military establishments at Chatham during the war; and the reduction of that expenditure has been much felt. The greater part of the population consists of retail tradesmen, several of whom are members of the governing body of the corporation. There is no manufactory at Rochester. A considerable coal import passes through the town, the country, as far inward as Tunbridge, being supplied from the cargoes brought into the Medway. There is also a considerable exportation of hops. The town was represented to us as declining in prosperity. The poor-rates have increased, and the number of uninhabited houses is greater than formerly. There is also said to be less expenditure and luxury among the upper classes than in former times.

A canal was cut some years ago from the Thames to the Medway, passing close to Strood, but the adventure has been very unsuccessful.

We subjoin some returns relating to the trade of the port.

[a] Rickman's "Comparative Account," &c., p. 127.

[b] Census of 1831.

[c] A part of the area of St. Margaret is without the liberties; but, as it contains no houses (see Boundary Report on Rochester), the whole of it is here treated, as to population and houses, as within the liberties.

[d] Marshall's "Account, &c." p. 27, No. 1348. This number is given in Marshall as belonging to the whole city; but as he states the population at the same date to be 6,817, it is clear that the return comprehends only the districts stated in the text.

[e] This is given by Marshall (ut sup.) as the whole population of the city in 1811. He also gives 9,309 as the population of the whole city in 1821; it is probable that this includes the population of Chatham within the liberties, which, on that supposition, must have been 514 in 1821.

TRADE of the Port of ROCHESTER.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		Coastwise, including Ireland.				Number and Tonnages of Vessels belonging to the Port.	
					Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
1810 - - -	87	23,487	4	598	- -	- -	- -	- -	374	15,136
1811 - - -	63	18,057	- -	- -	- -	- -	- -	- -	392	15,703
1812 - - -	57	16,384	- -	- -	- -	- -	- -	- -	503	16,446
1820 - - -	389	18,316	8	1,195	1,982	- -	1,938	- -	333	13,211
1821 - - -	495	21,427	11	903	1,854	- -	1,962	- -	312	12,199
1822 - - -	496	24,105	9	406	1,908	- -	1,980	- -	308	12,193
1830 - - -	277	22,176	1	39	2,120	162,810	1,383	75,070	259	11,959
1831 - - -	247	25,949	- -	- -	1,999	168,199	1,257	73,980	266	11,649
1832 - - -	186	17,916	6	1,465	1,796	149,939	1,041	61,816	272	11,706
Total - -	2,297	187,817	39	4,606	11,659	480,948	9,561	210,866	3,019	119,302

28 November 1833.

PORT OF ROCHESTER.

AN ACCOUNT of the Gross Receipt of DUTIES at this Port, from the Year 1810 to 1832 inclusive.

YEARS.	AMOUNT.			YEARS.	AMOUNT.		
	£.	s.	d.		£.	s.	d.
1810 - - - -	61,839	15	7¼	1822 - - - -	65,792	15	7
1811 - - - -	56,690	15	8½	1823 - - - -	83,458	9	1
1812 - - - -	78,767	6	10	1824 - - - -	86,605	7	5
1813 - - - -	79,972	2	10	1825 - - - -	86,280	15	11
1814 - - - -	65,246	13	6	1826 - - - -	74,220	5	11
1815 - - - -	105,021	12	2	1827 - - - -	79,003	15	9
1816 - - - -	48,034	-	4	1828 - - - -	58,792	12	9
1817 - - - -	36,905	14	5	1829 - - - -	60,896	1	10¼
1818 - - - -	65,706	7	1	1830 - - - -	66,124	19	9½
1819 - - - -	78,327	6	9	1831 - - - -	51,775	14	1½
1820 - - - -	61,799	11	3	1832 - - - -	37,518	6	4
1821 - - - -	74,622	6	-				
				£.	1,563,402	17	-

Custom House, 20 Nov. 1833.

33. We subjoin a list of the Local Acts : Local Acts.

1. 15 Rich. 2. - - Statute for repairing and supporting the New Bridge.
2. 21 Rich. 2. - - Statute for making the same Persons who were bound to repair the Old Bridge, to be in like manner bound to repair the New Bridge.
3. 9 Hen. 5, c. 12. Writs purchased by the Wardens of Rochester Bridge, or against them, shall be good, though some of them die or be removed.
4. 18 Eliz. c. 17. - An Acte for the perpetuall Mayntenaunce of Rochestre Bridge.
5. 27 Eliz. c. 25. - An Acte of Explanacion and Addicion unto the late Statute for the Mayntenance of Rochester Bridge.
6. 1 Ann, c. 18, st. 1. An Act to explain and alter the Act made in the Two-and-twentieth year of King Henry the Eighth, concerning repairing and amending of Bridges in the Highways; and for repealing an Act made in the Twenty-third year of Queen Elizabeth, for the re-edifying of Cardiffe Bridge, in the County of Glamorgan; and also for changing the Day of Election of the Wardens and Assistants of Rochester Bridge. [see Sect. 14 of the Act].
7. 2 Geo. 2, c. 19. An Act for regulating, well-ordering, governing, and improving the Oyster Fishery in the River Medway, and Waters thereof, under the authority of the Mayor and Citizens of the City of Rochester, in the County of Kent.

ROCHESTER.

8. 9 Geo. 3, c. 32. An Act for paving, cleansing, lighting and watching the High Streets and Lanes in the Parish of St. Nicholas, within the City of Rochester and Parish of Strood, in the County of Kent; and for making a Road through Star Lane, across certain fields adjoining thereto, to Chatham Hill in the said County.

9. 12 Geo. 3, c. 18. An Act for the better paving, cleansing, lighting, and watching, the Streets and Lanes in the Town and Parish of Chatham, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein.

10. 16 Geo. 3, c. 58. An Act to explain and amend an Act, made in the Twelfth year of His present Majesty, 'for paving, cleansing, lighting and watching, the Streets and Lanes in the Town and Parish of Chatham, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein;' and to extend the Provisions of the said Act to such parts of the High Street in Chatham as are situate in the Parishes of St. Margaret and Gillingham, and to other places adjoining or contiguous to the said Town.

11. 22 Geo. 3, c. 27. An Act for the more easy and speedy Recovery of Small Debts within the City of Rochester, and the Parishes of Strood, Frindsbury, Cobham, Shorne, Higham, Cliffe, Cooling, High Halstow, Chalk, Hoo, Burham, Wouldham, Halling, Cuxstone, Chatham, and Gillingham, and the Ville of Sheerness, in the County of Kent.

12. 39 & 40 Geo. 3, c. 23. (Local & Personal, Public.) An Act for making and maintaining a Navigable Canal from the River Thames, near to the Town of Gravesend, in the County of Kent, to the River Medway, at a place called Nicholson's Ship-yard, in the Parish of Frindsbury, in the said County; and also a certain Collateral Cut from White Wall in the said Parish, to the said River Medway.

13. 42 Geo. 3, c. 56. (Local & Personal, Public.) An Act for enlarging the present or providing an additional Workhouse for the Parish of Chatham, in the County of Kent; for raising Money for that purpose; for the better ascertaining and collecting the Poor-rates; and for the better Relief, Government and Employment of the Poor of the said Parish.

14. 44 Geo. 3, c. 46. (Local & Personal, Public.) An Act for enabling the Company of Proprietors of the Thames and Medway Canal to vary the Line of the said Canal, and to raise a further Sum of Money for completing the said Canal and the Works thereunto belonging, and for altering and enlarging the Powers of an Act made in the 39th and 40th year of the reign of His present Majesty, for making the said Canal and a Collateral Cut thereto.

15. 48 Geo. 3, c. li. (Local & Personal, Public.) An Act for enlarging the Powers of an Act of His present Majesty, for the more easy and speedy Recovery of Small Debts within the City of Rochester, the Parish of Strood, and several other Parishes and Places in the County of Kent.

16. 49 Geo. 3, c. xl. (Local & Personal, Public.) An Act for better assessing and collecting the Poor and other Rates in the Parish of St. Nicholas, in the City of Rochester, in the County of Kent, and regulating the Poor thereof.

17. 50 Geo. 3, c. lxxvi. (Local & Personal, Public.) An Act for enabling the Company of Proprietors of the Thames and Medway Canal to vary the Line of the said Canal; and for altering and enlarging the Powers of two Acts passed in the 40th and 44th years of His present Majesty, for making the said Canal and a Collateral Cut thereto.

18. 52 Geo. 3, c. xxxvii. (Local & Personal, Public.) An Act for enlarging the present, or providing a new Workhouse for the use of the Parish of Strood, in the County of Kent; for better Governing, Maintaining and Employing the Poor of the said Parish; and also for Repairing or Rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto.

19. 58 Geo. 3, c. xviii. (Local & Personal, Public.) An Act for enabling the Company of Proprietors of the Thames and Medway Canal to raise a further Sum of Money for completing the said Canal and the Works thereto belonging; and for altering, enlarging and rendering more effectual the Powers for making the said Canal and Works.

20. 5 Geo. 4, c. cxix. (Local & Personal, Public.) An Act for enabling the Thames and Medway Canal Company to raise a further Sum of Money to discharge their Debts, and to complete the said Canal and the Works thereunto belonging; and for altering, enlarging and rendering more effectual the Powers for making the said Canal and Works.

21. 10 Geo. 4, c. cxx. (Local & Personal, Public.) An Act for maintaining the Pier at Sheerness, in the Parish of Minster, in the Isle of Sheppy, in the County of Kent.

84. We have sent up with the Report copies of the following Documents: Documents.

1. Map of the City of Rochester and Liberties, from a survey made in 1822, lithographed.

2. Translation of the Charter of 5 Car. 2. The same book contains also copies of oaths, bye-laws and other memoranda from the books of the corporation.

3. Table showing the number of Freemen of the several kinds admitted in the several years, from 1813 to 1832, both inclusive.

4. Tables of Fees and Allowances at the Quarter Sessions.

5. Table showing the number of Trials and Sentences at the Quarter Sessions, for the two years from Michaelmas 1831 to Midsummer 1833, both inclusive; with a memorandum as to the costs.

Also Table, showing the number of Plaints, Trials, Arrests on Mesne Process and Execution in the Court of Portmote, in the several years, from 1823 to 1832, both inclusive; with costs taxed in different cases.

6. Table of the number of Cases tried in the Court of Requests in the several years, from 1823 to 1833, both inclusive.

7. Return relating to the proceedings of the Court of Requests, from 12th February 1830 to 12th February 1831.

8. Table of the Fees of the Court of Requests, copied from the stat. 48 Geo. 3, c. li.

9. Memorial sent up to the Earl Grey, 25th June 1831, on the part of the Corporation, praying that the City of Rochester might remain as it then was, as regarded its limits.

10. Accounts of the Treasurer of the City Rate for the two years ending respectively Michaelmas 1832 and Michaelmas 1833.

11. Copy of Deputation to the Toll Collector, containing a list of the Sums to be taken as thoroughToll.

12. Copy of Petition presented by certain of the Inhabitants of Rochester, respecting the Corporation.

T. F. Ellis, jun.

D. Maude.

REPORT

ON

THE BOROUGH OF SOUTHAMPTON.

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BOROUGH OF SOUTHAMPTON.

Local Limits.

1. THE municipal borough of Southampton is co-extensive with the district called the Town and County of the Town of Southampton. It is accurately drawn in the map annexed to the Boundary Reports, except that a district appears by the map to be included which is not a part of the borough. This district lies on the western side of the borough; it contains from 100 to 150 acres. The borough itself contains about 1,970 acres. It comprises the whole of the parishes of St. John, St. Lawrence, Holyrood, All Saints, and St. Michael. It also contains a part of the parish of St. Mary, which is separate, for parochial but not for ecclesiastical purposes, from the rest of the parish, and the tithing of Portswood, which last is a part of the parish of South Stoneham, and is not mentioned in the Boundary Report. The district is separated from the remaining part of Hampshire for county purposes. As it is all under the jurisdiction of the corporation, its magistracy being the magistrates of the corporation, the municipal institutions of the borough are in fact those by which the county is governed.

Guild and Liberties in the time of Henry 1.

2. A charter of Henry 2 declares, that the men of Southampton shall hold their Guild, Liberties, and Customs, as they held in the time of his grandfather Henry. We believe this reference to go as far back as the liberties can be traced by the documents of the corporation. There is also mention made of the "Burgenses de Hamptonâ," in a grant made in the time of Henry 1.

Charter of Henry 2.

3. The above-mentioned Charter of Henry 2 is simply a confirmation. The exact date does not appear.

Charter of Richard 1.

4. Richard 1, in the first year of his reign, granted a Charter, by which the "Burgenses de Southampton" were to be free from toll, passage, and pontage, by land and water, at fair and market, "et de omni seculari consuetudine."

First Charter of John.

5. King John, by a Charter of the 26th of June, in the first year of his reign, repeated the same grant. This is the earliest charter in the possession of the corporation; those preceding are known only by inspeximus.

Second Charter of John.

6. The same year, on the 29th of June, King John granted to the burgesses the town of Southampton, with the port of Portesmues (Portsmouth) in fee-farm, at the annual rent of 200 *l.* sterling.

Lost Charter of Henry 3.

7. Henry 3 granted a Charter, which is not now known to exist; it is known only from the charter next mentioned.

Second Charter of Henry 3.

8. The same king granted a Charter in the 36th year of his reign. By this, the barons of the Cinque Ports are ordered to take no Cark in the port of Portsmouth, which, by a complaint recited in the charter, they appear to have done. Reference is made in this charter to franchises previously granted by the same king.

Third Charter of Henry 3.

9. On the 14th of July, in the 40th year of his reign, Henry 3 granted another Charter. This grants, that the burgesses of Southampton shall not be liable to arrest by either their persons or goods, except when they are either the debtor or security for the debtor, unless the debtor be of the community, and capable of satisfying the debt partially or totally, and the burgesses shall have failed to grant justice. This is believed to refer to the custom of the guild, in ratifying securities for debts: the ratification seems to have been considered as making the members of the guild responsible for the debts, which supposed responsibility is here limited; or it may refer to a custom which seems to have once prevailed, according to which a corporation, a member of which had a claim upon a member of another corporation, seized the goods of any freeman of the latter, found within the jurisdiction of the former, "in Withernam," until the corporation to which the debtor belonged, or the debtor himself, made satisfaction.

Fourth Charter of Henry 3.

10. Henry 3 granted, on the same day in the same year, another Charter. This gives the burgesses the return of all writs touching Southampton and its liberty. The bailiffs are specifically made answerable to the Exchequer for debts. Power is given to the burgesses to choose for themselves coroners, who are to be answerable to the Justices in Eyre. The burgesses are not to be impleaded out of the borough for tenements and chattels within the liberty, unless for trespasses done to the Crown. No writs are to run within the liberty, except writs of right, of novel disseisin, or of dower *unde nihil habet*. And the liberties and customs of Winchester are granted.

Charter of Edward 2.

11. Edward 2 granted a Charter in the 10th year of his reign. This confirms the charter of Richard 1, the second charter of John, and the charter above-mentioned as the fourth charter of Henry 3. It also grants a freedom from murage and pavage [*q.* pannage?] throughout the realm.

First Charter of Edward 3.

12. Edward 3 granted a Charter in the first year of his reign, confirming that of Henry 2, and that of Edward 2. It also grants that the burgesses shall not be joined with foreigners, nor foreigners with them, in assizes, juries, or inquisitions, touching lands, tenements, trespasses, or contracts within the borough, unless touching the Crown or the community of the town. Freedom from kaiage is also granted.

SOUTHAMPTON.

Second Charter of Edward 3.

13. This Charter having been burned, Edward 3 granted an exemplification of it from the Rolls in Chancery, in the 14th year of his reign.

Charter of Richard 2.

14. This last charter of Edward 3, was confirmed by a Charter of Richard 2, in the seventh year of his reign. The latter is the source from which the knowledge of all the earlier charters is derived, excepting the first charter of John, and the charters mentioned as the first, second and third of Henry 3. No one of these is mentioned in the charter of Richard 2.

Charter of Henry 4.

15. Henry 4, by a Charter granted in the second year of his reign, confirmed the charter of Richard 2. He granted also that the mayor and bailiffs should have cognizance of all pleas, personal and mixed, for tenements, trespasses and contracts within the liberty, whether by land or water, excepting trespasses and contracts in the royal household. A court leet is given, with chattels of felons and forfeitures, waifs and other privileges. Power is given to the burgesses to chose of themselves every year, as often as it shall be necessary *, four aldermen; and that the mayor and three or two aldermen, and other four, three, or two, of the more honest and discreet men of the community of the town, be chosen by the mayor and commonalty every year, with power of oyer and terminer over all things within the liberty belonging to the office of a justice of peace; but no felony is to be tried by them without license from the Crown. All fines and profits arising from these processes are given to the burgesses. The assize of weights and measures, and all matters relating to the office of clerk of the market, are given to the burgesses.

Although this is the first mention made of the office of mayor, in any of the ancient charters, there is reason for believing that it existed in the borough as far back at least as the 15th year of King Richard 2.

Charter of Henry 5.

16. Henry 5 granted a Charter in the second year of his reign. By this the charter of Henry 4 is confirmed.

First Charter of Henry 6.

17. Henry 6 granted a Charter in the fourth year of his reign, confirming the charter of Henry 5, with the assent of the Lords spiritual and temporal in Parliament.

Second Charter of Henry 6.

18. A second Charter was granted in the 23d year of the reign of Henry 6, by the authority of Parliament. It recites the impoverishment of the inhabitants, from their exposure to enemies, and the greatness of the fee-farm rent, and recites also the immemorial existence of mayor, bailiffs and burgesses. It grants that the town be perpetually incorporated, with one mayor, two bailiffs and the burgesses, by the title of mayor, bailiffs and burgesses. It gives power to purchase lands, notwithstanding the Statute of Mortmain or other statute. The burgesses are yearly to elect of themselves one mayor and two bailiffs. The mayor is made escheator. The members of the corporation are exempted from obedience to the constable, marshal and admiral of England, and the steward, marshal and clerk of the market of the household. In this clause, Portsmouth is spoken of as within the liberty of Southampton. The mayor is made clerk of the market. Merchants, not of the liberty, are forbidden from selling within it to any other merchant not of the liberty, or from buying from them. A staple is created, and power is given to elect annually a mayor and two constables of the staple. Power is given to elect, of the inhabitants or others, brokers, packers and carriers. There is a grant of the chattels of outlawed persons.

Third Charter of Henry 6.

19. A third Charter was granted in the 25th year of Henry 6, by the authority of Parliament. By this the town and precincts are made a distinct county. The mayor, bailiffs and burgesses are annually to choose a sheriff from among themselves, who is to hold a monthly county court, and to whom all writs to be executed within the same town, or its port, or the port of Portsmouth, shall be directed. Exemption is granted from the interference of any other sheriff, steward, marshal, clerk of the market of the household, admiral or escheator, and from serving as taxor, assessor, or collector of any tax or subsidy, except within the town.

Fourth Charter of Henry 6.

20. A fourth Charter was granted by authority of Parliament, in the 30th year of the reign of King Henry 6. Many former grants are repeated in this charter; among others, the grant of incorporation, and of a distinct county. In addition, the mayor is created steward and marshal of the Royal household, and admiral within the precincts.

First Charter of Edward 4.

21. King Edward 4 granted a Charter, in the first year of his reign, by the authority of Parliament. By this, the charter of Richard 2, and the fourth charter of Henry 6 (which is not set out quite at length), are confirmed. The new grants are the following. The mayor and bailiffs are to hold a court on the Tuesday of every week for personal pleas, and on the Tuesday of every fortnight for pleas of land; and a pie poudre, according to the accustomed form and process of the town. There are to be chosen annually for justices, according to the accustomed method, the mayor, a person learned in the law, four aldermen, and four of the more honest and discreet burgesses: for the nature of the office, reference is specifically made to particular statutes and ordinances: any two or more are to inquire by the oaths of legal men of all kinds of felonies and trespasses, with power of oyer and terminer: the person learned in the law is to be of the quorum. No member of the corporation

* "Singulis annis toties quoties necesse fuerit."

ration residing within the precincts is to be impannelled on an assize or jury, or to be constable, bailiff, or other officer, without the town, against his will.

22. Edward 4 granted a second Charter, in the eighth year of his reign. This recites and confirms the second charter of Henry 6. Second Charter of Edward 4.

23. He granted a third Charter in the 20th year of his reign. This recites that a grant of fines and amerciaments contained in his first charter was considered not to be good in law, and grants them afresh. Third Charter of Edward 4.

24. Richard 3, in a Charter granted in the second year of his reign, recited and confirmed the first and third charters of Edward 4. Charter of Richard 3.

25. A Charter was granted in the fourth year of the reign of Henry 7. This is merely a confirmation of the first and third charters of Edward 4. Charter of Henry 7.

26. Henry 8 granted a Charter in the second year of his reign. This recites and confirms the charter of Henry 7. First Charter of Henry 8.

27. The same king granted a second Charter in the sixth year of his reign. This recites and confirms the second charter of Edward 4. Second Charter of Henry 8.

28. A Charter was granted by Edward 6, in the sixth year of his reign, confirming the first charter of Henry 8. The fee-farm rent was, by the ratification of Edward 6, to be reduced to 50*l.* annually, whenever it should happen, both that the petty customs should fall short of 200*l.*, and also that no carracks from Genoa or gallies from Venice should unship at the port. The mayor was annually to certify the number of ships which arrived, and the amount of the petty customs. Charter of Edward 6.

29. A Charter was granted in the fourth and fifth year of the reign of Philip & Mary, by which the charter of Edward 6 was confirmed. Charter of Philip & Mary.

30. Queen Elizabeth, by a Charter granted in the sixth year of her reign, confirmed the charter of Philip & Mary. Charter of Elizabeth.

31. James 1, by a Charter granted in the fourth year of his reign, confirmed the charter of Queen Elizabeth. Charter of James 1.

32. The last and governing Charter of the borough was granted in the 16th year of Charles 1. Towards the end of this charter, it is declared that an information was exhibited in the Exchequer against the corporation in Trinity Term, 11 Car. 1, upon which judgment was given that the liberties should be seized into the King's hands. By the charter, the Crown releases to the corporation the information and judgment. What the real nature of this transaction was, is not known. Charter of Charles 1.

33. In the third year of James 2, a *quo warranto* was brought against the corporation. They represented that they were too poor to bear the expense of a new charter, and a *nolle prosequi* was entered. Soon after, however, a new charter was drawn out, and lodged, according to tradition, in private hands among the dissenters in the town. This document is now in the hands of the corporation. Proposed Charter of James 2.

34. The Title of the Corporation in the governing charter of Charles 1, is, "The Mayor, Bailiffs and Burgesses of the Town of Southampton." Title of Corporation.

35. The Officers of the corporation named in it are, Officers named in the last Charter.

Mayor	1
Sheriff	1
Bailiffs	2
Recorder	1
Justices	11
Aldermen	indefinite.
Town Clerk	1
Coroners	2
Mayor of the Staple	1
Constable of the Staple	2
Serjeants at Mace	4
Porters, Company of	indefinite.

36. The other Officers, not named in the charter but appointed by the corporation, are, Other Officers.

Aldermen of the Wards	4
Weigher of Wool	1
Auditors of Accounts	indefinite.
Discreets of the Markets	4
Constables	2
Beadles of the Wards	14
Extra Beadles	indefinite.
Alderman of Portswood	1
Aulneger	1
Measurers of Corn	indefinite.
Measurers of Coal	indefinite.

SOUTHAMPTON.

Scavenger	1
Keepers of the Keys of the Gate	4
Keepers of the Keys of the Booths	2
Keepers of the Keys of the Great Chest	3
Crier	1
Supervisors of Lands	indefinite.
Water Bailiff	1
Sand Walkers	indefinite.
Wardens of Sendy's Gift	2

Of these numerous offices, it will appear, when we come to the account of the functions hereafter given, that several are now merely nominal. Complaints were made to us by more than one member of the corporation of the great number of oaths annually taken.

Burgesses.

37. There are 20 resident serving burgesses (the meaning of which phrase will appear hereafter), and about 160 non-resident burgesses, chiefly honorary.

Mayor election of.

38. The Mayor is by charter to be elected, on the Friday before the Feast of St. Matthew, out of the burgesses, by the mayor for the time being, and the burgesses. The latter however in practice have not the liberty of choosing from all the burgesses, but are restricted to elect one of two persons, the names of which two are submitted to them in the following manner. On the Friday before St. Bartholomew's-day (a month before the day of election) the mayor, and those burgesses who have served the office of mayor, and who are called aldermen, meet together in a room, called the audit-room. At this meeting, the names of four persons, who have served the office of sheriff, are agreed upon, and placed upon a roll, called the private nomination roll. On the day of election, the mayor and aldermen again meet in the audit-room, and strike off two of the four names from the roll; and from the remaining two, the mayor and burgesses afterwards, on the same day at the Guildhall, elect one to be mayor for the ensuing year. This mode of private nomination is not prescribed by any charter: the custom however seems to have existed before the present charter was granted: in the year 1617, two of the burgesses opposed the private nomination, but being called before the common council (the governing body, as will be seen), they submitted. There seems to be some doubt, whether or not it be necessary for a person to have served the office of sheriff, before he can be elected mayor. In an entry in one of the books of the corporation it is said, that there have been instances of mayors who had never been sheriffs: no modern instance is known. Of late years it has been customary to put upon the roll the names of two persons, who have served the office of mayor before, and the names of two persons who have served the office of sheriff, but not that of mayor. In general the office of mayor is filled alternately by those who have, and those who have not, filled it before. This, although the usual, is not the invariable, practice: some years ago there were mayors, in three successive years, who had not served the office before. The election excites very little interest: the persons who have not served the office of mayor before, and whom it is in contemplation to put upon the roll, are usually asked whether they have any objection to serve: objections are seldom made. The four names, selected to be put upon the nomination roll in the first instance, are usually those of the two senior aldermen, who have not served the office of mayor twice, and the two senior burgesses, who have served as sheriff, but not as mayor: no one is now passed over against his will. No division amongst the aldermen ever takes place: at the first meeting, it is settled which two names shall be struck off the roll at the second meeting, and also which of the remaining two it shall be recommended to the body at large to elect. It is usual for some of the burgesses to meet at the audit-house, previously to going to the Guildhall, on the day of election; and, at this meeting, the mayor, or one of the aldermen, mentions to them which of the two persons in the roll it is wished that they should elect. At the time of election in the Guildhall, the town clerk reads over to the body at large the two names in nomination. A ballot then takes place; which however is generally mere matter of form, as no instance in modern times is remembered of the person, recommended by the mayor and aldermen, not being elected. Very few burgesses attend the election, usually not more than from 10 to 15. Both the serving and the honorary burgesses are entitled to vote at this election. Usually the person, not recommended by the mayor and aldermen, has only one vote on the ballot, which is probably that of the person recommended; in 1830, however, there seems to have been a contest; the numbers were nine and six, the person recommended having the majority. This is the only contest remembered. No instance in modern times is known of any equality of votes in a contest on the election of mayor: such an event took place in 1596, on which occasion the mayor gave a second vote. The mayor elect is sworn before the mayor, recorder, and common council: by the latter body is meant, all those who have served the office of sheriff or bailiff. By the charter, any person, refusing to take upon himself the office of mayor after election, is liable to be fined, at the discretion of the mayor, recorder, aldermen and common council. No instance of any refusal is known. Power is also given to the recorder, aldermen, and common council, to remove a mayor for reasonable cause: this is not known to have been ever exercised. In the case of death, or removal, of a mayor, during his year of office, the burgesses are directed to elect another within 15 days: but it is not known what the form would be, nor whether or not there would be a private nomination.

Sheriff, election of.

39. The Sheriff, by charter, is to be elected annually by the mayor and burgesses out of the burgesses. The burgesses, however, can hardly be said to interfere even formally in the election.

After

After the election of mayor, the members of the common council, exclusive of the mayor and mayor elect, retire into a room adjoining the place of election, and there determine upon the person to fill the office of sheriff, and all other offices for the ensuing year. So little interest is excited in these elections, and rotation is so much observed, that no difference of opinion, followed by a division, is remembered to have taken place in this room. It is understood that a person must have served the office of bailiff, before he can be elected sheriff; this rule seems to have been invariably observed for a great number of years. Until lately, the senior bailiff of the preceding year was always elected sheriff; but from the circumstance of very few serving burgesses having been elected for some years, the office of bailiff, and therefore also that of sheriff, have been filled by persons who had served it before: the common councilmen who have not passed the chair, that is, who have not served the office of mayor, are generally elected sheriff in rotation. Sometimes a person who has passed the chair is elected. A person is always asked whether he object to serve, before he is elected a second time. It is considered, that in strictness the burgesses ought to retire into the room for election along with the common council: however they never do so. When all the offices are filled up, and the names entered upon the private nomination roll, the common councilmen return into the room to the burgesses, and the town clerk reads the names aloud. No opposition is ever made by the burgesses, nor is any form gone through to signify their assent to the election; but the persons so placed upon the roll are sworn into office as a matter of course. It is supposed that in case of a vacancy during the year, the burgesses would be summoned to the new election, as well as the common council. The mayor is directed by the charter to certify the name of the sheriff elected every year to the Barons of the Exchequer: this direction is still observed.

Bailiffs, election of.

40. The Bailiffs are elected at the same time, and precisely in the same manner, as the sheriff: the election is, by charter, to be from the burgesses. It is the usual practice to elect the junior bailiff of one year as the senior bailiff of the following. Until the number of serving burgesses became so limited as it now is, the junior bailiff used to be elected from the burgesses who had not served before, generally in rotation, the senior being elected first: at present it is customary to elect, as junior bailiff, the senior common councilman who has not passed the chair, and has not served the office of junior bailiff more than once. There have been instances of bailiffs resigning their office during the year. One happened in the year 1829: in that year, upon the resignation of a senior bailiff, the junior was considered to have become senior, without any further election, and the senior burgess who had not served before was elected junior bailiff. The common council, and burgesses, both serving and such of the honorary as were resident, were summoned to the meeting for election. The vacancy was declared to them, with the name of the person who as senior serving burgess was next in rotation; the question was then put, whether or not any one had any objection to him: and no objection being made, the person in rotation was declared to be elected. There is an entry in the books of a person, elected senior bailiff in October 1818, refusing to serve the office: a fine of 50*l.* was imposed upon him, to be remitted in case of his resigning his office of burgess and common councilman within one month, which he did by deed.

Recorder, election of.

41. The Recorder, according to the charter, is to be elected by the mayor, bailiffs and burgesses: in practice, however, he is elected by the mayor and common council: the office is for so long as he shall behave himself well in the same. Upon a vacancy, the usual notice for meetings of the common council is given. It is understood that the election into this office would not be by ballot in case of a contest: no contest however is remembered. The person proposed for election need not be a burgess, but is generally elected an honorary one, immediately after having been elected recorder. The present recorder was elected in 1830: he is a practising barrister on the Western Circuit, and attends the Wiltshire sessions. He has a house within the town, but resides for the greater part of the year in London: he is now a burgess: the late recorder was a barrister on the Home Circuit.

Justices, election of.

42. Of the 11 Justices mentioned in the charter, four are justices by virtue of their offices: these are, the mayor for his year of office, the Bishop of Winchester for the time being, the recorder, and the mayor of the preceding year. The other seven justices are elected by the mayor, recorder, aldermen and burgesses, (of whom the mayor and recorder are to be two,) five of them from the aldermen, and the remaining two from the burgesses. The office is for life: it is usual however for those aldermen who are justices to resign the office of justice on leaving the town, or becoming, from any other cause, incapable of acting. In case of a vacancy, a meeting of the body at large, including the honorary burgesses, is called, and an election takes place precisely in the same manner as was described in the case of the election of a bailiff upon a vacancy during the year. A rotation is observed, the senior resident alderman, who is not a justice, being generally elected. The Members of Parliament for the town, who are usually honorary burgesses, are generally the burgesses chosen for justices on any vacancy. This is not invariably the case: on a recent vacancy, a gentleman who had been a candidate to represent the town, but who was unsuccessful, was elected a justice in preference to one of the Members. The justices of this latter class are generally non-resident. There is a power in the mayor, recorder, aldermen and burgesses, or the major part of them (the mayor and recorder being two), to amove any of the seven justices for reasonable cause.

Aldermen, who are.

43. The Aldermen are all those who have served the office of mayor: they become such on the expiration of their mayoralty, without any election. The present number, including

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the mayor, is 19. Although the governing charter mentions the aldermen, it says nothing as to their election or creation.

Town Clerk, election of.

44. The Town Clerk is elected by the mayor, recorder, aldermen and common council, or the major part of them (the mayor and recorder being two). The election takes place in the same manner as that of the recorder: the person elected need not be a burgess. There is a power of amoval given by the charter to the electing body. He is always an attorney. The present town clerk was elected in 1810. He is not a burgess.

Coroners, election of.

45. The election of Coroners is directed by the charter to be, by the mayor, bailiffs and burgesses, out of themselves; but in practice the mayor and common council always elect: the persons elected are not members of the corporation. The office is considered to be for life: but the same form of election takes place every year, as in the case of sheriff: the names of the coroners of the preceding year are placed upon the private nomination roll by the common council, and are read over with those of the other officers on the mayor's election day. Upon a vacancy, there is usually a canvass by the persons who wish to be elected: but no instance is remembered where any contest or division in the common council took place: all the candidates except one have generally retired before the time of the election. It has been usual to elect a surgeon for one of the coroners, and an attorney for the other: this is the case at present: the latter was first elected in 1832, the former in 1831. Neither of them are burgesses. There is no instance recollected of this office having been filled by the town clerk.

Mayor of the Staple, election of.

46. The Mayor of the Staple is by the charter to be elected by the burgesses: in practice he is elected, and put on the roll, by the common council, in the same manner as the sheriff and other officers above mentioned. The charter does not specify the time for which the office is to be held. The mayor elect is always appointed mayor of the staple.

Constables of the Staple, election of.

47. The Constables of the Staple are by the charter to be elected by the burgesses: they are actually elected in the same manner as the mayor of the staple. The duration of this office is not mentioned. The two senior resident aldermen are generally elected.

Serjeants at Mace, election of.

48. The Serjeants at Mace are to be elected by the mayor, recorder, aldermen, bailiffs and common council, or the major part of them (the mayor being one): in practice the election takes place in the same manner as the election of all the other officers, except the mayor. The office is considered to be for life, but the names of the serjeants are inserted every year upon the private nomination roll, and read over to the burgesses, along with those of the annual officers. They are not burgesses.

Company of Porters, election of.

49. By the charter the appointment of Porters is to be by the mayor, bailiffs and burgesses; but, in point of fact, they form a Company who elect their own members, which members are afterwards admitted by the common council: each person on admission enters into a bond of 40*l.* with two sureties. In 1759 a porter had mortgaged his place to the mayor for 43*l.*: the money not being paid, and the porter being charged with misdemeanors, and offering no excuse to the charge, he was displaced by an order in council.

Aldermen of the Wards, election of.

50. The Aldermen of the Wards are elected in the same manner as the sheriff and other officers, except the mayor: the names are put upon the roll by the common council and read over to the burgesses. The names put upon the roll are those of the mayor, late mayor, and two senior resident aldermen.

Weigher of Wool, election of.

51. The Weigher of Wool is elected like the aldermen of the wards; he is generally the senior resident alderman.

Auditors of Accounts, election of.

52. The Auditors of Accounts are placed upon the roll in the same manner as the aldermen of the wards, and consist of all who have passed the chair.

Discreets of the Market, election of.

53. The Discreets of the Market are elected in the same manner as the aldermen of the wards: the office is considered to be an annual one, but the same persons are generally re-elected. The persons elected are generally respectable tradespeople in the town. They need not be burgesses.

Constables, election of.

54. The Constables are elected by the common council, in the same manner as the aldermen of the wards, with the following limitations. A list is made out, by the retiring constables, of householders within the town, who have not served the office before. This list is submitted to the magistrates before the election, and they name the persons to the common council whom they wish to be elected: this nomination is generally attended to. If any persons are on the list, who have served the office of beadle, the magistrates usually recommend such persons for election as constables. There is much unwillingness to serve. The constables are sworn in before the common council, and also at the court leet.

Beadles of the Wards, election of.

55. The Beadles of the Wards are elected at the same time as the constables by the common council, from lists furnished, by the retiring beadles of each ward, of householders within the ward, who have not previously served the office. Extra beadles, generally four, are appointed and sworn in as constables.

Alderman of Portswood, election of.

56. The Alderman of Portswood is elected in the same manner as the beadles.

Aulneger, election of.

57. The Aulneger is elected in the same manner as the aldermen of the wards: he is always the mayor for the time being.

58. The

58. The Measurers of Corn are elected in the same manner as the aulneger: they are labourers in the town, and are generally re-elected. The number is at present 11. Measurers of Corn, election of.

59. The Measurers of Coal are elected in the same manner, and from the same class of persons, as the measurers of corn. While the duty on the import of coal existed, the Commissioners of Customs, having to pay the measurers, claimed a right to appoint them: a compromise was entered into between the Commissioners of Customs and the corporation, by which it was agreed that each should appoint alternately. Since the duty and salary from the Treasury have ceased, the corporation have always appointed the measurers. After the election, an appointment is made to them by deed under the corporation seal. This appointment seems to have been made more a subject of application and canvass, than most of the others mentioned above: an instance is remembered where the common council was divided and a poll taken. Measurers of Coal, election of.

60. The Scavenger is actually appointed by the commissioners under the Paving Act. The common council enters upon the nomination roll the person whom the commissioners appoint: but the office existed before that Act. Scavenger, appointment of.

61. The Keepers of the Keys of the Gates are elected in the same manner as the aldermen of the wards, and most of the other officers. Three of the seven gates to which these keys had reference, have been pulled down: four keepers only are now elected. These are always the mayor, late mayor, and two senior resident aldermen. Keepers of the Keys of the Gates, election of.

62. The Keepers of the Keys of the Booths are elected in the same manner as the aldermen of the wards: they are always the constables. Keepers of the Keys of the Booths, election of.

63. The Keepers of the Keys of the Great Chest are elected in the same manner as the keepers of the other keys: they are the mayor and two bailiffs. Keepers of the Keys of the Great Chest, election of.

64. The Crier is elected in the same manner as the other officers, although the office is considered to be for life. The crier is not a burgess. Crier, election of.

65. The Supervisors of Land are the mayor and aldermen, elected in the same manner as other officers. Supervisors of Land, election of.

66. The Water Bailiff is elected in the same manner: he is usually one of the serjeants at mace. Water Bailiff, election of.

67. The Sand Walkers are appointed by the mayor as admiral of the town: the appointment is by deed. Sand Walkers, appointment of.

68. The Wardens of Sendy's Gift are put upon the roll, in the same manner as the officers mentioned above: they are always the two bailiffs. Wardens of Sendy's Gift, appointment of.

69. No Fees are paid upon admission into any of the above offices: nor is there any modern instance of a Fine having been imposed on any one for refusing to take any office. Fees and Fines.

70. The Burgesses are elected at a meeting of the common council: no qualification is required. It would seem that at one time there was some doubt, in whom the right of election of burgesses was; for, according to an entry bearing date 1730, after stating that the charters were silent concerning the election of burgesses, it was resolved that only the common council have a right to vote. The persons proposed for election must be nominated at a meeting of the common council, one entire week before they can be elected: the common council need not be summoned for the purpose of nomination. After nomination, the names of the persons are sent to each of the common council resident, and each one is summoned to the meeting for the purpose of election. It is understood that there must be no intervening meeting of the common council between those for nomination and election. On the day of election, nine common councilmen at least must be present to make a valid election. There are two classes of burgesses, the serving and the honorary: the former are inhabitants, usually bankers, merchants, and higher tradespeople of the town: from them the different offices are filled. The honorary burgesses are for the most part persons not resident within the town, some of them are gentlemen residing in the neighbourhood, others have been temporarily connected with the town; the Members of Parliament for the town have generally been elected. The election of such persons is intended as a compliment. In October 1831 a resolution was come to that no person should be elected an honorary burgess, who resided within any of the parishes of the town. The mayor, on retiring from his office, has the privilege of nominating two persons for election, as honorary burgesses, who are elected as a matter of course. In one of the earliest books of the corporation a protest of the corporation is entered against the mayor's right of making a burgess against their consent. The honorary burgesses are not eligible to any office, nor do they take the same oath as the serving burgesses. Both classes are sworn at a meeting of the common council. There seldom is any disinclination amongst the inhabitants to be elected serving burgesses, but some few instances of refusal in modern times are remembered; and persons have sometimes resigned, when it came to their turn to take office. In 1660 a fine of 20*l.* was imposed upon every one refusing to accept a burgess-ship after being elected: and in 1689 one person was fined 50*l.* for refusing to be sworn. No fine has ever been imposed of late years. There have been 53 burgesses elected within the last 10 years: 47 honorary, and six serving. The latter six were all elected in one year, 1826: the number of honorary has been usually two Burgesses, election of.

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or four in a year, except in the year 1829, when 18 were elected, and 1830, when eight were elected: of the 47 honorary, 32 have been sworn. It has been the practice for the last 20 years, whenever it has been determined to elect a set of honorary burgesses, for each member of the common council to name any friend whom he wished to be elected: the persons so named have, with very few exceptions, always been elected. Two serving burgesses have resigned in the same time. The number of both classes existing at present is about 180. The number of burgesses upon the list of the revising barrister in 1832, entitled to vote for Members of Parliament for the town, as being within the seven miles, was 44, of whom 24 are 10*l.* householders resident within the county of the town. No satisfactory reason was assigned to us why a greater number of burgesses had not been created. Political opinions do not appear to have formed any ground of preference or exclusion latterly, although, at no great distance of time, burgesses certainly were made for the purpose of creating votes; nor did there seem to be any objections made to persons on account of religious tenets, although all the members of the corporation were understood to belong to the Established Church. No burgesses have been made since the repeal of the Test and Corporation Acts. Until very recently it was customary for the corporation to pay for the stamp on the admission of burgesses out of the general fund: this practice is now discontinued. An exception to the present practice, and to the resolution of October 1831, mentioned above, was made in 1831 on behalf of a gentleman who had given to the corporation a valuable library, and was too old to serve the offices: he was made an honorary burgess, although resident within the town, and the stamp-duty was paid for him by the corporation.

The fines on admission as a serving burgess are,

	£.	s.	
Town Clerk - - -	3	3	(sometimes 2*l.* 2*s.* only has been paid.)
Serjeant at Mace - -	1	1	
Stamp - - - -	3	–	
The honorary burgesses pay the			
Town Clerk - - -	5	5	

Governing Body.

71. The affairs of the corporation are managed entirely by the common council: this body consists of all who have served, or are serving, the office, of bailiff, sheriff, or mayor, and of the recorder if a burgess; whether this last would be a member of the common council if he were not a burgess, is doubted. The only matters relating to the corporation in which the burgesses have any share are the elections of officers. How little they interfere in these will have been seen in the account of the several elections given above. All bye-laws and regulations, respecting the different officers or the burgesses, are made by the common council at their meetings: they also make all the orders respecting the granting of leases and management of the property of the corporation, and the disposal of the funds. Addresses to the Crown in the name of the corporation are voted at these meetings. The mayor must be present in order to constitute a valid meeting: he calls together a council whenever he thinks it necessary: the mayor and one member are considered sufficient to render a meeting valid. In case of any difference of opinion amongst the members of the council, a division is come to, and the majority determine. From the description which has been given of the constitution, it is evident that the whole power of the corporation is in the hands of a few persons, over whom the burgesses exercise no check. No great interest seems to have been taken of late years in the proceedings of the Governing Body: when questions have arisen in which the inhabitants took any interest, a want of confidence in the body has frequently shown itself. One instance will be given in the account of the proceedings of the court leet; and others came before our notice, where suspicions of favouritism and partiality seemed to have been excited, although, as far as we were able to judge, without any foundation.

Mayor, functions of.

72. The Mayor is a justice of the peace for the town, and county of the town, for his year of office and the year succeeding: there are other six justices resident, but the mayor is usually applied to, and expected to perform the principal part of the business required to be done.

He is one of the judges of the court of pleas.

He, jointly with the bailiffs, has authority to hold a court of pie poudre on the court days of the civil court: but this has become entirely obsolete, although it is still proclaimed.

He also presides at the court leet.

He is clerk of the market. The superintendence of the market is exercised chiefly by the discreets of the market, and the leet jury; the mayor assists, whenever it is thought necessary.

By charter he is to exercise the offices of steward and marshal of the King's household within the town.

By charter also he was to execute the office of gauger and weigher. All regulations of this nature are now under the Board of Customs.

He is also King's escheator within the town. The latest escheat mentioned in the books was one in the year 1643, by which, it is said, a large escheat came to the town by the death of a person who was *felo de se.*

He is also admiral of the town: he does not however now exercise any functions as such, beyond that of appointing sand walkers.

He attends all corporate meetings: it is understood that no meeting of the common council is valid without him: but his presence is not indispensable at the meeting for the election of mayor.

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He is, jointly with the bailiffs, returning officer on the election of Members of Parliament.

He is always elected mayor of the staple. But at the present time no duties attach to this office.

He is also one of the four aldermen of the wards during his mayoralty and the following year, an office entirely nominal.

He is always elected one of the auditors of accounts, which is also a function merely nominal.

He is also appointed aulneger, but has no duties to perform as such.

He is one of the keepers of the keys for his year of mayoralty and following year.

He is also one of the keepers of the keys of the great chest.

He is also one of the supervisors of lands.

He is also by virtue of his office a commissioner or guardian under all the local Acts relating to the town, viz. commissioner under the Paving, Lighting and Watching Acts, commissioner under the Harbour and Pier Acts, commissioner under the Waterworks Acts, and guardian under the Regulation of the Poor and Highway Acts. See sections 103. 109, 110, 108, 106, 107.

The duties of the mayor were represented to us as being very onerous.

He has no power to appoint a deputy.

He has no salary: at the end of his year of office an allowance is made to him by the common council of 52*l.* 10*s.*, if it has been his first time of serving as mayor, and of 82*l.* 10*s.* if it has been his second time: this allowance is intended to defray the expenses which he has incurred in hospitality. He has also a further allowance of 30*l.* for the dinners given by him on the days of quarter sessions. He has also a compensation of 26*l.* 5*s.* made by the corporation, in lieu of some wharfage dues, which he used formerly to receive on the landing of merchandize, but which dues, on account of the dissatisfaction they caused, were given up many years ago. He has an allowance of 10*l.* to provide a buck. He has also a fee of 6*s.* 8*d.* upon the corporation seal being affixed to a lease, and of 3*s.* 4*d.* upon its being affixed to a licence to alienate, or assign a lease: also 14*s.* upon all private seals to attestation of certificates: the number of these leases and licences vary considerably in different years: there were, in 1832, 12 of the first and 9 of the second, amounting to 5*l.* 10*s.*: in the year 1817 the mayor's fees on the leases, licences and seals, amounted to 16*l.* 19*s.* 6*d.*, and in the year 1822, to 26*l.* 14*s.*; the average is about 12*l.* He has also the capon money, reserved on the leases, amounting to about 34*l.* He is also allowed 2*l.* 2*s.* to cover small expenses, such as postage of letters. There is an annual donation of 5*s.* from some charity, called glove-money, and 1*l.* 1*s.*, being a bequest from some person to the mayor, in consideration of his taking care that a tomb is kept in repair. These different sources of emoluments furnish, as will have been seen, in the 1st year of mayoralty, about 168*l.*; in the 2d, 198*l.*

The mayor's expenses, connected with his office, almost always exceed the above emoluments. He is expected to provide seven dinners in the year: viz. on the day of choosing the new mayor, on the day on which he is sworn into office, on the King's birth-day, and on each of the days on which the quarter sessions are held. It is not unusual for the mayor, on going out of office, to have expended 100*l.* beyond the emoluments of his office.

Sheriff, functions of.

73. The Sheriff is by the charter invested with all the powers of a sheriff for a county.

He attends at the assizes, when held for the town and county of the town, and at the sessions, for both of which he summons the juries.

He holds a county court when it is necessary.

He executes all writs from the superior courts, which are directed to him immediately.

He is not connected in any way with the civil court of pleas.

He is a commissioner, or guardian, under the local Acts. See preceding section.

It is customary to summon the sheriff upon the jury of the court leet, of which he is then foreman.

He has no salary.

The principal duties of the sheriff are performed by an under-sheriff. He has the power of appointing his own under-sheriff; but, in practice, the latter is generally appointed by the corporation. In the event of the corporation appointing, they exonerate the sheriff from all risk of loss, or expense, occasioned by the default or negligence of the under-sheriff. In such a case they allow 30 guineas to the under-sheriff to meet certain expenses, which he has to incur on being sworn into office in London. There are two attornies who are usually appointed by the corporation alternately. If the sheriff appoint the under-sheriff himself, the corporation do not indemnify the former, or make any allowance to the under-sheriff. The persons appointed under-sheriffs are always attornies. We were informed by a gentleman who had served as under-sheriff, and who was not one of those appointed by the corporation, that the office was one of loss.

Bailiffs, functions of.

74. The Bailiffs are, jointly with the mayor, judges of the civil court of pleas.

They and the mayor have authority to hold a court of pie poudre on the court days of the civil court: this has become entirely useless, though it is still proclaimed and adjourned. They sometimes hold a court at one of the fairs, and, on complaint made to them, arbitrate between the parties.

They and the mayor are the returning officers on the election of Members of Parliament for the town.

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They are usually summoned on the jury of the court leet, and on the grand jury of the quarter sessions.

They are nominally keepers of the keys of the great chest.

They have no salary or emoluments whatever: some allowance used formerly to be made to them, for erecting a booth at one of the fairs; but this is now discontinued.

Recorder, functions of.

75. The duties of the Recorder are nearly confined to attending the quarter sessions. He is also applied to for his opinion on any legal question of difficulty interesting the corporation. He always attends the sessions. He is a magistrate by office.

His salary is 50 guineas.

Justices, functions of.

76. The Justices have no functions beyond the usual ones of magistrates. The inhabitants seemed perfectly satisfied with the administration of justice. The number of justices seems to be sufficient for the jurisdiction: there are generally seven resident within the town: stil we think it would be desirable that the practice of electing the two Members of Parliament justices should be discontinued, except when they happen to reside within the town. The Bishop of Winchester never acts. The justices are guardians of the poor.

Aldermen, functions of.

77. The Aldermen have no functions, beyond those which have been already mentioned in the election of officers. They are commissioners under all the local Acts, except the Poor and Highway Act, for which the three senior aldermen only, and such as are justices, are commissioners or guardians. They have no salary or emoluments.

Town Clerk, functions of.

78. The Town Clerk is clerk of the peace, and clerk of indictments at the quarter sessions of the town and county of the town.

He is the prothonotary of the civil court of pleas.

He is steward of the court leet.

He is clerk to the justices at their petty sessions.

As officer of the corporation, he attends all the corporate meetings, and records the proceedings of the common council, and affixes all the seals for the mayor.

He is the attorney and solicitor of the corporation.

He is also clerk to the commissioners under some of the local Acts: this situation is not necessarily attached to the office of town clerk, but it is probable that he owes it to the circumstance of the members of the common council being commissioners.

	£.	s.	d.
His salary is	31	10	–
As clerk of the peace, his emoluments average about	100	–	–
As clerk to the justices	85	–	–
As prothonotary of the court of pleas	52	10	–
He has also fees upon the drawing and sealing of leases and licences to alienate, which together average about	64	2	–
He has also fees upon certificates for spirit licences	13	–	–
£.	346	2	–
His salary as clerk under the Paving and Watching Acts, is	31	10	–
Port Act	21	–	–
Pier Act	30	–	
Highway	3	–	–
£.	85	10	–
£.	431	12	–

He has usually 5*l.* 5*s.* on the election of an honorary burgess, and 3*l.* 3*s.* or 2*l.* 2*s.* on the election of a serving burgess: but neither is regularly paid. He has also generally received 10*l.* 10*s.* from each person returned as Member of Parliament for the city, out of which he has to pay for the stamp, 30*s.* Besides this, he has an annual bill of charges upon the corporation, averaging about 70*l.*

Coroners, functions of.

79. The Coroners hold about 20 inquests in the year. The fee upon each inquest is 1*l.*, and is paid out of the county rate. Each juryman on the inquest is allowed 6*d.*: the officer who summons them has 4*s.* The coroners' bills (including some expenses for surgeons, juries, &c.) amounted to 43*l.* last year. Their jurisdiction is exclusive.

Mayor and Constables of the Staple, functions of.

80. By statute 27 Edward 3, stat. 2, c. 21, the Mayor of the Staple was to be assisted by two Constables. The duties seem originally to have been, to settle disputes amongst merchants, to hold pledges, and to take acknowledgments of statute staple: they have long been disused.

Serjeants at Mace, functions of.

81. The Serjeants at Mace are the officers of the court of pleas, to whom all the process is directed. They serve the summonses on the juries of this court, and of the court of quarter sessions. They also attend upon the mayor and justices. Their salary is 15*l.* each. Two of them are gaolers: one, of the debtors' gaol, for which office he has a salary of 35*l.*; the other, of the felons' gaol, for which he has a salary of 30*l.* a year. A third collects the tolls of the poultry and vegetable market, which he retains to his own use, and which average 6*s.* or 7*s.* a week. The fourth is water bailiff: the duties of this office are almost entirely

entirely disused: he also collects and retains the tolls of the fish market, amounting to about 8*l.* or 9*l.* in a year.

One of the two latter receives 10*l.* a year for taking care of the audit-room.

They usually receive a guinea amongst them, on the election of each burgess.

Company of Porters, functions of.

82. The persons constituting the Company of Porters were formerly always employed to carry the heavy goods, and particularly the wine imported, from the wharf to the merchant's warehouse. It is thought that the bond, which they are obliged to give to the corporation, was to insure payment for any damage which the goods might sustain while under their care; the penalty of the bond was fixed at the price of a hogshead of wine. It seems from the early entries in the books of the corporation, that this office was one of some value, and was the subject of sale and purchase. In the year 1724 it was ordered that, if a porter sold his place, he should pay a fine of 5*l.* 5*s.* to the corporation: the price seems to have been entirely a matter between the parties, in which the corporation did not interfere. In 1612 a porter's widow took 7*l.* 10*s.* for her husband's place. In the year 1727, it was ordered that the porters should, for the future, pay 40*s.* a year to the corporation, which the entry states that they had anciently used to pay, but of late had omitted. They now annually pay 1*l.* 4*s.* each to the corporation: the real consideration for this payment is the use of some stables, the value of which is about 10*l.* a year, but for which they pay only 6*s.* 8*d.* each. This payment is included under the head of quit-rents, in the account of the revenue hereafter given. They are frequently employed at the present time, although the monopoly no longer exists. They have no salary, but are paid by the persons who employ them.

Aldermen of the Wards, functions of.

83. The Aldermen of the Wards do nothing, and receive nothing: nothing appears to be now known about the office.

Weigher of Wool, functions of.

84. The office of Weigher of Wool seems to have been at one time an important office: at present it is merely a nominal one.

Auditors of Accounts, functions of.

85. What the functions of the Auditors of Accounts were originally, may be collected from their title. By an order of 1738, the mayors of the town, whose accounts were not settled, were to bring in their accounts to the auditors. At present the office is merely nominal. The manner of keeping the accounts, auditing, and passing them, will be mentioned under the head of funds. We will here merely mention that by the books, as far back as the middle of the last century, there appear to have been committees of accounts created; the regular audit at that time was before the common council.

Discreets of the Markets, functions of.

86. The duty of the Discreets of the Market is, to take care that no unwholesome provisions are exposed for sale: this duty seems to be properly executed. They have no emoluments.

Constables, functions of.

87. The duty of Constable is frequently executed by a substitute, who is approved of, and sworn in, by the magistrates. The constables have no salary, or emoluments; in case of their not executing the office themselves, they have to pay their own substitutes, usually about 10*l.* each. The substitutes are not required to be householders. Upon the appointment of one of the serjeants at mace to be keeper of the felons' gaol, the magistrates required him to undertake that, if called upon by any of the appointed constables, he would serve as substitute. The object of this was, to have a permanent peace officer, but the practice has been discontinued.

Beadles of the Wards, functions of.

88. The Beadles of the Wards have no salary: they also are allowed to provide substitutes, for which they pay about 2*l.*: they are sworn and act as petty constables.

One of the extra beadles has an allowance paid from the county rate of about 52*l.*, for which he is expected to be constantly on duty.

Alderman of Portswood, functions of.

89. The Alderman of Portswood is beadle for that tithing.

Aulneger, functions of.

90. The duty of the Aulneger formerly was, to see to the assize of woollen cloth, and to affix a seal to it, which seal was the warrant of its proper measure. The office has long been discontinued.

Measurers of Corn, functions of.

91. The Measurers of Corn are sworn before the mayor, and take an account of all corn imported in foreign ships. They pay 5*s.* for their appointment. When a foreign ship comes in, a meter is drawn by the custom-house officer: he is paid by the merchant, in proportion to the quantity measured. In the case of ships not foreign the merchants choose their own meters.

Measurers of Coal, functions of.

92. The Measurers of Coal had at one time a monopoly of measuring all coal landed in the port. At the present time no obligation to employ the sworn measurers exists; the merchants generally employ their own servants to measure for them. The measurers are paid by the merchants who choose to employ them.

Scavenger, functions of.

93. The Scavenger acts merely under the direction of the commissioners of pavement, and is paid by them, although he receives a corporation appointment.

Keepers of the Keys of the Gates, functions of.

94. The Keepers of the Keys have no duties whatever. The name of keepers of the keys refers to the gates of the town, most of which have been pulled down.

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Keepers of the Keys of the Booths, functions of.

95. Nothing is known of the nature of the office of the Keepers of the Keys of the Booths: the title of the office is supposed to refer to the booths erected at a fair held above the bar.

Keepers of the Keys of the Great Chest, functions of.

96. The Great Chest contains the muniments of the corporation: the officers, entitled Keepers of the Keys of the Chest, have in practice nothing to do with it; the keys being always in the possession of the mayor.

Crier, functions of.

97. The Crier attends the quarter sessions: he keeps the weights and scales, and the keys of the gates of the market. He receives 2 *l.* 12 *s.* in the year, instead of dinners which used to be given to him. He has also 5 *l.* for lighting fires in the audit-house, and for keeping the vegetable market clean. He is paid for crying by those who employ him.

Supervisors of Land, functions of.

98. The Supervisors of Lands have no duties: the property of the corporation is entirely managed by the common council.

Water Bailiff, unctions of.

99. The Water Bailiff used to attend the mayor, when he performed any duty in the capacity of admiral. The only duty of late years imposed on the water bailiff, has been to attend the officer of the court of pleas of the town with the silver oar, the badge of the admiral's authority, when he has had to make an arrest on the water within low-water mark.

Sand Walkers, functions of.

100. The Sandwalkers have no duties to perform: formerly they had to watch for waifs and wrecks: the appointment is still made under seal, and during the war was an object of desire, as a protection against impressment.

Wardens of Sendy's Gift, functions of.

101. The Wardens of Sendy's Gift are appointed by the corporation, to superintend a particular charity.

Burgesses, privileges of.

102. The burgesses have at present no privileges whatever, except as electors of Members of Parliament. Before the passing of the first Pier Act in 1803, they were exempted from wharfage dues: on the application for this Act, it was agreed that the burgesses should give up this right of exemption, and the corporation their right to the petty customs, anchorage and groundage dues: the latter receive in exchange for these dues a proportion of the dues levied under the provisions of the Act.

The burgesses, we were told, are never elected into any office of profit.

The burgesses, whether resident or not, joined with the inhabitants paying scot and lot in the election of Members of Parliament for the town. There was formerly a privilege of exclusive trading possessed by the burgesses, which has long ceased.

Jurisdiction of Corporation.

103. The courts of Jurisdiction, co-extensive with the county of the town of Southampton, are, the court of quarter sessions; the court leet; the court of pleas, generally called the common court of the town; the sheriff's court; and the pie poudre court. On the subject of the last we will only refer to the account given of the functions of the mayor and bailiffs. There is also the court of admiralty for causes within the port of Southampton.

Court of Quarter Sessions.

The magistrates (see sect. 76) form the bench of the Quarter Sessions: the mayor, recorder, ex-mayor, and the aldermen, who have been elected justices, attend: the bishop of Winchester and burgesses' justices do not. They have cognizance of all offences triable at county quarter sessions, and also of capital felonies. Their jurisdiction however in the latter cases is not always exercised: if, from the depositions taken before the magistrates, it appears that the case is such that, in the event of conviction, an execution is likely to follow, it is removed out of the quarter sessions' jurisdiction by one of the following means. The prosecutor is asked to prefer his bill of indictment at the assizes for the county, and to apply for a habeas corpus to remove the prisoner: in such case the additional costs are allowed by the county of the town: if the prisoner wish to have the case removed the indictment is preferred at the quarter sessions, and the prisoner is removed into the county by habeas corpus. If neither of them consent to a removal by habeas corpus, a petition is sent to the Home Office, or to the judges appointed to the Western Circuit, to have a commission of assize made out for the county of the town: the latter case happened six or seven years ago. No instance is known of a trial at the sessions being attended by an execution. All the usual appeals are tried at the sessions. Barristers attend. The grand and petty juries are summoned by the undersheriff, on a precept from the mayor: the same gentlemen serve frequently on the grand jury: no rota is kept by which the petty jury are summoned; care is taken that no person shall be summoned on two successive quarter sessions' juries; with this exception, it is quite matter of chance how often the same person is called upon to serve. There is no exemption or preference given to burgesses: the bailiffs are always summoned on the grand jury. The inhabitants within the county of the town are not liable to serve on the juries for the county of Hants.

The following is an analysis of the offences tried in two successive years.

From Michaelmas sessions 1831 to Midsummer sessions 1832, both inclusive,

Felonies.	Misdemeanors.	Convictions.	Acquittals.	Transportations.
28	14	36	6	0

From Michaelmas sessions 1832 to Midsummer sessions 1833 inclusive,

Felonies.	Misdemeanors.	Convictions.	Acquittals.	Transportations.
36	21	32	15	6

In

In the latter year sentence of death was recorded against one person. The only costs, allowed to a prosecutor out of the county rate, are those which he has actually incurred for the depositions and indictment, together with a small mileage for the travelling expenses of himself and witnesses: no allowance is made for a brief to counsel: the usual amount allowed is from 1 *l.* to 1 *l.* 5*s.*

Court Leet.

The Court Leet is held on the third Tuesday after Easter Tuesday. It is adjourned from time to time to no particular day, but to such day as the jury shall be summoned for. The court is held before the mayor and aldermen, as lords of the leet, and the town clerk, as steward and judge. The jury are summoned from the same class of persons as the petty jury at the quarter sessions, with the exception of the bailiffs, who are always summoned, and of the sheriff, who is always foreman. They make presentments relating to encroachments on the highways and common fields. They were until lately in the habit of visiting the shops and markets, for the purpose of examining the weights and measures: since an inspector has been appointed by the justices at sessions, under the Act for regulating weights and measures, they have in a great degree discontinued this duty. They have also a visitatorial power over the free school; how this has been acquired is not known. The presentments are signed by the jury, and ought then to be returned by the sheriff to the common council: this, however, is not regularly done. The presentments are not entered in the books of the common council: a memorandum is sometimes made of the fact that presentments have been made. The books however are not kept in a very precise manner.

It appears to be taken for granted by the common council, that the sheriff will draw their attention to anything important in the presentments, and in point of fact, when this is done, they do take the subject into consideration, and take such steps as seem to them advisable. It is evident that they are not, as common council, peculiarly called upon to notice presentments of the court leet, the legal results of which can be only obtained through the court leet itself; but some dissatisfaction seemed to exist amongst the inhabitants, from the idea that proper effect was not given by the common council to the presentments. In one instance suspicion was entertained that this arose from a wish, on the part of the common council, to favour a member of their own body, against whom the presentment was directed. We are convinced that this was not the case; but the feeling is evidence of a want of confidence in the governing body of the corporation.

Civil Court of Pleas.

The Civil Court of Pleas, usually called the Common Court of the town, is held on the Tuesday in every week, for the three first weeks after the new mayor comes into office, and on every alternate Tuesday afterwards. The court is directed by the charter to be held by the mayor and bailiffs: it is considered that any one of these three, without the others, may hold a court: the junior bailiff alone commonly attends. The court has jurisdiction over all actions personal and mixed, and "of other pleas whatsoever of lands and tenements." One or two actions of ejectment are tried in the year: a doubt is entertained by some persons, whether or not the court has jurisdiction in this form of action: in some cases a lease is made to one of the serjeants at mace, and an actual ouster of him by a third person, who is to be made defendant, proved. An acknowledgement, within the county of the town, of a debt contracted without, is considered to bring the debt within the jurisdiction.

The jurisdiction is unlimited in respect of the amount of debt or damages recoverable in it.

The suit is by plaint: the process serviceable and bailable: the writ is made returnable on the court day after it issues. The declaration may be filed on the return day of the writ, but it is not usual to file it then, unless the defendant has been served with the writ a reasonable time, or unless it is known that a real defence is intended. A step in the cause may be taken at each court day: if the general issue alone be pleaded, the plaintiff may have execution within 10 weeks from the time of suing out the writ. There are no printed or written rules of practice; the practice has been regulated by that of the superior courts. The process is directed to the serjeants at mace. The jury are summoned from the tradespeople of the town: there are 24 on each venire: if any one is objected to at the trial, by either of the parties, another is called in his place. Their names are not seen by the parties until they come into court. Barristers have very rarely attended. All attornies of the superior courts are allowed to practise in this court.

The town clerk, as officer of the court, takes the evidence, sums up, and directs the jury, the junior bailiff contributing merely the authority of his presence.

Some complaints were made to us, by attornies practising in the court, of the costs of an action: the court fees in several stages of the suit were represented to us as being higher than the corresponding fees in the superior courts since the recent alterations; so that the costs of an action up to the making up of the issue were larger than the corresponding costs in the superior courts. We were informed by the town clerk, that a diminution in the amount of these fees would have been made some time ago, but for the expectation which there was, that considerable alterations in all local courts were in contemplation by the Legislature.

The abbreviations in the pleadings recently sanctioned by the courts above, have not yet been adopted in this court: the reason given for this was the expectation adverted to before, of some general measure relating to local courts. A very large proportion of the actions are undefended: it is common to pay the debts by instalments, continuances being entered to keep the action alive.

The town clerk, as prothonotary, taxes the costs: he is not allowed to practise as an attorney in the court. By a return made to the Common Law Commissioners, it appears,

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that the number of actions commenced from the 12th February 1830 to the 12th February 1831, was - - - - - - - - - - - - - - - - 60
The number of persons taken to gaol on mesne process - - - - - - - 5
The number of executions by ca. sa. - - - - - - - - - - 5
- - - - - - fi. fa. - - - - - - - - - - 1

	£.	s.	d.
The amount for which execution issued - - - - -	91	15	11
The average expenses of a suit in this court are as follows:			
First process serviceable - - - - - - - - -	1	1	6
bailable - - - - - - - - - -	2	6	–
In cases of final judgment by default:			
In debt - serviceable - - - - - - - - -	9	–	–
bailable - - - - - - - - -	10	13	–
In cases of judgment after verdict, or writ of inquiry:			
serviceable - - - - - - - - -	10	6	–
bailable - - - - - - - - -	12	–	–

Sheriff's Courts.

A county court is very seldom held, for suits originating in it; seven or eight years ago, an action of replevin was tried, which is the last case of the kind remembered: the court was held before the under-sheriff. Cases of writs of inquiry to assess damages, on judgment by default in the superior courts, have occurred, but not often.

Court of Admiralty.

In the grant of the Admiralty jurisdiction to the corporation, the charter of Charles 1 recites the previous grant made by Henry 6 (see section 20), in which power is given to the mayor to exercise all the functions of admiral of England, within the town, suburbs, and precincts, with a prohibition of any interference by the admiral of England within these limits. The charter of Charles then grants power to the mayor, recorder, and four of the aldermen, or any three of them (the mayor or recorder being one), calling for their better information, when need shall require, some person skilled in the civil law, to hold a court of admiralty in any place within the precincts of the town, or the port and liberties of the same, of all pleas and plaints personal, which belong to the admiralty, and of all actions of contract, if the parties or their goods be attached within the liberties, with the same power of execution as that possessed by the Admiralty Court of England. There is a power of appeal to the High Court of Admiralty given to the parties, with a clause authorizing the High Admiral of England to enter the limits of the port, and exercise all necessary functions belonging to the Admiralty. The exercise of this jurisdiction seems to have been discontinued for many years: the last entry of any court of admiralty that we found in the books is dated 1756. It is an order that the admiralty circuit, which had been long omitted, should be made by the corporation, and that the courts should be held at Lymington, Leape, and Hamble. A singular correspondence then seems to have taken place between the mayor of Southampton, and the deputy mayor of Lymington, as to the former asking leave of the corporation of Lymington to be allowed to erect a booth upon their quay: the corporation of Southampton at last consented to ask leave. By a following entry, this circuit seems to have lasted four days. The only subsequent entry in the books, relating to the admiralty jurisdiction, is dated in 1772, and refers to a dispute with the lord of the manor of Millbrook concerning some timber cast on shore, which the former had seized. At one time it seems to have been a matter of controversy between the corporations of Southampton and Portsmouth, whether or not the latter were within this admiralty jurisdiction. By an entry dated 1708, it was ordered, that a person should be sent to an admiralty court to be held at Portsmouth by the Duke of Bolton, with a letter to his Grace's judge advocate, and a protestation declaring the town's rights. This presumed right may have originated in clauses in the present, and preceding charters (see sections 6 & 8): the present charter grants to the corporation "the town of Southampton at farm for ever, with the port of Portsmouth, with all their appurtenances," &c. The only right as admiral, which the mayor now exercises, is that of appointing sand walkers: their duty seems to have been to watch for wrecks thrown upon shore: this appointment was recognized during the war, as a protection to the persons appointed from being impressed, and being on this account an object of desire has been continued to the present time. An instance of the impressment of a sand walker took place in 1805; on application by the mayor to the admiral commanding at Portsmouth, stating his appointment as a deputed officer under the admiralty jurisdiction of the port of Southampton, he was set at liberty. The number of these has never been large, owing to an apprehension, as we were informed, that the protection, if too much extended, might be questioned or destroyed: there are now between 20 and 30: fresh appointments do not take place, except as vacancies occur.

Court of Orphans.

By the charter, power is given to the mayor, recorder, aldermen, bailiffs and sheriff (the mayor, recorder or senior alderman to be one,) to hold a court for the government of the Orphans of burgesses and inhabitants. The court is to have power over the disposition of the persons and goods of these orphans, in the same manner as the mayor and aldermen of the city of London have: there are also regulations for the payment of interest and restitution of the property. There are instances in the books of orphan's money being vested in the hands of the corporation, but the practice has been disused from a very early time.

Court of Requests.

There is no Court of Requests.

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Petty Sessions are regularly held once in the week, at which two justices always attend. Petty Sessions.

There are four Magistrates of the county of Hants, residing within the county of the town. County Magistrates of Hampshire.

Besides the constables, whose appointment has been already mentioned, further provision is made for the Police of the town by local Acts of Parliament. The last Act for this purpose was passed in 1810; its object is to provide for the paving, watching and lighting of the streets of the town. The mayor, aldermen and common council are commissioners under the Act, jointly with a limited number of the inhabitants out of each parish: the qualification for the latter class of commissioners, is the possession of a real property within the town of 30*l.* a year, or of realty and personalty together of the value of 1,000*l.* In case of any vacancy in the latter class, either by death, or removal from the parish, or election into the common council, a new commissioner is to be elected by the remainder of this class out of the inhabitants of the parish for which the late commissioner was appointed: the corporation commissioners are not to take any part in the election. The rates authorized to be raised by the Act are together not to exceed 2*s.* in the pound in any year, upon an assessment not lower than that upon which the poor-rate is calculated: the paving-rate to be levied upon the owners, and that for lighting and watching upon the occupiers of houses. The full amount of rate is annually raised, by two rates of 1*s.* each: sometimes 8*d.* in the pound upon the paving-rate, and 4*d.* upon the lighting and watching, sometimes 10*d.* upon the former, and 2*d.* upon the latter, are raised. The assessment is made upon the poor-rate, which is professedly upon three-fourths of the rack rent, but, as we were assured, is really upon not more than one-fourth: the amount raised by both rates is about 1,550*l.*: separate accounts of the proceeds and disbursements, relating to the two departments of paving, and of watching and lighting, are kept. No particular or influential part is taken by the members of the common council: the mayor usually attends the meetings, at which 7 is a quorum for some purposes, 14 for others: there is some difficulty in procuring the latter number to attend. There is in the Act a power to borrow to the amount of 10,000*l.*: 4,150*l.* of this have been raised; the commissioners expect to be shortly enabled to establish a sinking fund. There is an audit of accounts once in a year, at a general meeting; no publication takes place. The Act provides that, when new streets shall be built, and two-thirds of the owners of the houses shall be desirous to take the benefit of the Act, it shall be extended to them. Very great inconvenience has been experienced from the option given by this clause: not much more than half the town is within the operation of the Act, and the requisite consent cannot be obtained for putting the remainder within it. This difficulty is principally experienced in those parts where there are the smallest tenements, and where watching and lighting are most necessary: these parts were represented to us as being in a very disorderly state. The consequence of this is, that the watching in other parts of the town is rendered far less efficacious, as the dark streets in the neighbourhood furnish a secure retreat from the pursuit of the watch. The number of watchmen employed is 10 during winter, and 9 during the rest of the year; a number (as we were told) quite insufficient for the town: they are entirely a night-police. One of the extra beadles is upon duty during the day, and until the night-watch begins. This beadle has an allowance of about 52*l.* a year paid out of the county rate: the watchmen have from 15*s.* to 20*s.* a week, paid out of the watching and lighting rates. The lighting and paving were represented to us as being very good. Police.

104. The town does not extend, landward, nearly to the boundary of the Jurisdiction. We are of opinion that the local limits require no extension. Whether the Jurisdiction require extension.

105. There are four places of confinement under the superintendence of the magistrates of the corporation; a lock-up house, a prison for debtors, a house of correction, and a fourth prison. Gaols.

The lock-up house is on the soil of the corporation. The keeper receives 15*l.* per annum from the county rate.

The prison for debtors, or, as it is sometimes called, the sheriff's ward, is under the immediate care of a serjeant at mace, who receives 35*l.* per annum. It is considered to be particularly under the superintendence of the sheriff; but the gaolers apply to the mayor, when anything particular occurs. This prison is not regularly visited. It is scanty, and very ill provided with accommodation.

The house of correction, sometimes called the Bridewell, contains all who are sentenced to hard labour: and some prisoners, females especially, whom it is wished to separate from others. The means of separation are however very insufficient, and the degree of fulness of any one gaol often makes it necessary to disturb even the very slight classification which is sought for. The gaoler has 60*l.* per annum, and the matron 20*l.* The county fund pays to the corporation fund 7*l.* 10*s.* per annum for the prison.

The fourth prison, commonly called the felons' gaol, contains the remainder of the prisoners, and in general those who are committed for trial. The gaoler, who is one of the serjeants at mace, receives 30*l.* per annum. There is no matron.

The chaplain for the last two prisons receives 50*l.* per annum; the surgeon for all four receives 25*l.* per annum, for which he is expected also to attend the vagrants.

The magistrates are in the habit of visiting the last two, which are utterly inadequate to the purpose of properly containing the different prisoners: and the evil is somewhat aggravated

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vated by the number of smugglers who are brought into the port, and who are mixed with the criminals of other kinds.

Poor.

106. The management of the Poor is regulated by an Act of Parliament passed in the 13th Geo. 3, c. 50. By it, the several parishes within the town were united into one district, and a corporation of guardians appointed, by whom the poor-rates were to be raised and administered. These guardians consist of the mayor, bailiffs, recorder, three senior aldermen and resident justices for the county of the town, and 18 inhabitants, chosen in certain proportions from the different parishes: the latter class of guardians are to be elected annually by the rate-payers of their respective parishes; the qualification necessary is an estate of the annual value of 10 *l.* in one parish, and of 20 *l.* in the others, in respect of which estates the persons must pay rates: there is a power of reducing this qualification to 8 *l.* in the former parish, and 12 *l.* in the others. No person is to continue guardian for more than two years successively. Five guardians are a quorum for all purposes, except making the rate, for which purpose nine are necessary: no justice is to join in making the rate. The mayor is the chairman at all meetings, when he attends; but neither he nor the corporate commissioners take any leading part in administering the Act. Four rates are made in the year: the whole four usually amount to 5 *s.* in the pound: three or four years ago, it was customary to make the rates of only 1 *s.* in the pound. In consequence of these being insufficient, and of some expense which it was necessary to incur upon some buildings, the guardians contracted a large debt with their treasurer, who is a banker in the town. At Easter 1832 this debt was 1,750 *l.*; at Easter 1833 it was 2,200 *l.*: at the latter period the treasurer refused to make any further advances, unless a larger rate than 1 *s.* in the pound was made: since that time, two of the rates at least in the year have exceeded 1 *s.*, being sometimes 1 *s.* 6 *d.*, at others 2 *s.*, and by this means the debt has been reduced to 1,000 *l.* A rate of 1 *s.* in the pound produces 1,330 *l.*: the unwillingness to lay on a larger rate may perhaps be attributable to the constant change of guardians, as a person appointed for a limited time would naturally feel himself liable only to a temporary responsibility for the state of the funds, and at the same time might be unwilling to subject himself to the unpopularity of a heavy rate. The usual allowance of the rate by the justices, and publication of it, are required by the Act.

Highways.

107. In the same Act are contained provisions for the management of the Highways within the county of the town by the same commissioners.

Waterworks.

108. There are Acts for improving and maintaining the public conduits and other Waterworks of the town, under which the mayor, recorder, and all the members of the common council, are commissioners, along with other persons elected by the several parishes: the corporate members do not take any prominent part in the execution of the Acts: the mayor is chairman if he attend. These Acts seem to have been efficiently administered, and to be adequate to the purposes for which they were intended.

Quay.

109. The Acts of Parliament, by which the dues taken on the import of merchandize in lieu of the ancient dues of petty customs, anchorage, and groundage, are regulated, are the 43 Geo. 3, c. xxi. and 50 Geo. 3, c. clxviii: under the latter Act, which repeals certain parts of the former, the mayor, recorder, and common councilmen, are commissioners jointly with 10 others. The mayor is to be in the chair at the meetings, if present; if he be not, then the late mayor, if present. The qualification for the latter class of commissioners is, the being a housekeeper within the town, and having paid rates and been an exporter or importer of goods within the port for 12 months, and being possessed of real property within the liberties of the yearly value of 50 *l.*, or of a real and personal estate together of the value of 1,500 *l.* Upon any vacancies among the non-corporate commissioners by death, neglecting to act for 12 months, or a determination of the above qualification of estate, or of ceasing to export or import for three years, or being elected into the common council, the remaining non-corporate commissioners are to elect new commissioners into the vacancies. Persons importing from, or exporting to, Ireland, are considered to be within the qualifying clause. There is a power given to the commissioners to make bye-laws, and to affix the rates upon goods not specifically mentioned in the Schedule, at an amount not exceeding 1 *s.* in the pound upon the freight, with power to reduce them at any time afterwards. By these Acts the members of the corporation are made liable to the dues in the same manner as other persons. The Schedule contains a great variety of wares, and the amount of duty upon each. The commissioners are in debt to the amount of 7,000 *l.*: they were authorized to borrow 30,000 *l.*: the rates under the Act were reduced in 1826.

New Pier.

110. An Act passed in the year 1831, for erecting and maintaining a New Pier, under which the mayor, recorder and common councilmen, jointly with other persons, are commissioners. No dues are taken at this pier, which is intended only for passengers and their baggage: and the corporation have no interest whatever in it as a body. The commissioners are the same as in the Act last mentioned: but there is no connection between the two concerns.

Fairs.

111. There are two fairs held in the year, within the county of the town. Only one of them is supposed to belong to the corporation; and at this no toll is taken. The bailiffs hold a court of pie poudre at it: it lasts for three days. The other fair is considered to have been originally a corporation fair, and the office of keeper of the keys of the booths is supposed to have reference to this fair. A great number of cattle are brought to the latter fair.

112. Markets

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Markets.

112. Markets are held on Tuesdays, Thursdays, and Saturdays: some trifling tolls are collected on articles exposed for sale, such as poultry, eggs, vegetables, &c.; these are taken by one of the serjeants at mace to his own use.

The fish market is held every day; one halfpenny is taken from every person bringing fish for sale, but a person bringing a large quantity is sometimes charged 4 *d.* These tolls are taken by a serjeant at mace. The markets are opened and closed by the crier.

County Rate.

113. A County Rate is made at every quarter sessions, and raised and applied in the usual way. A single rate, as it is called, produces 198 *l.*: sometimes a single rate is raised; at other times a single rate and a half, or a double rate. The usual amount raised in a year is what would be produced by six single rates. The justices at sessions apportion the sum required among the parishes: no specific rate is made for the county, but the sum required is raised as part of the poor-rate, and is paid by the overseers along with it, to the guardians. The several rates from the parishes go into one general fund, and out of this fund the whole amount required by the county is paid by the guardians; the apportionment by the magistrates, therefore, produces no effect either upon the sum paid by any individual, or upon the proportion in which the whole sum raised is distributed between the county-rate and the poor-rate. A slight addition to the amount of the county-rate is made by the fines levied upon offenders. Amongst the expenses, is an allowance for an extra beadle, amounting to about 52 *l.* per annum: an item which perhaps in strictness ought not to be allowed.

Patronage: Free School.

114. The only Patronage possessed by the corporation is the appointment of the mastership of the Free School. The present master was appointed in 1819: he is a clergyman of the church of England. At the time of his appointment he had no connection whatever with any member of the common council. His salary is 31 *l.*, out of which he pays 25 *l.* to the corporation for the rent of a piece of ground, as a play-ground: he has his house rent-free. The burgesses are believed to have some privilege, as to sending their sons to the school without expense, but no instance is recollected of this having been exercised. The common council has a power of nominating, which it does sometimes exercise. This body has a joint visiting power with the Bishop of Winchester. The court leet used formerly to inspect the school: the common council never does so. There is a small library of books belonging to the school, and there was formerly a collection of coins, but these, by an order in council of 28th August 1767, were directed to be presented to a gentleman who was considered to have conferred some obligation on the corporation. The present master has laid out about 800 *l.* upon the school-house.

Public House Licences.

115. No new Licences for Public Houses have been granted by the magistrates since 1815: there are about 40 in the town. Complaints were made to us, both of the inadequacy of the number of public houses, and of the unequal distribution of them. Upon inquiry, we found no foundation for these complaints, further than what necessarily arises from the system of licensing (whether peculiar to this borough or not), according to which the licence is attached to the house, and not to the individual. The great increase of the town towards the extremities, since 1815, has made this unequal distribution more felt: although we did not find that the inhabitants were unanimous as to the existence of the grievance. Complaints were also made that, before 1815, individuals had been partially selected in the granting of licences: no case could be distinctly made out to us at this distance of time, but some of the corporation seemed inclined to think that the complaints were not altogether without foundation: at all events, whether the fact had been so or not, the suspicion entertained seems to show that want of confidence in the corporation, with respect to matters in which the inhabitants are interested, which we have had occasion to advert to before. The individual, who made the complaints, expressly disclaimed making any charge against any of the present members of the corporation. No member of the common council is connected with any brewing establishment.

Funds.

116. The following Table shows the Revenue of the Corporation for the last three years.

Revenue.

YEARS.	Market Rents.	Quit Rents and Annuity.	Southampton Harbour.	Fines.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830 - - -	122 1 –	306 3 1	484 1 2	729 10 6	1,641 15 9
1831 - - -	117 14 4	873 14 3	438 13 5	772 4 3	2,202 6 3
1832 - - -	122 6 2	527 2 7	386 6 2	511 9 9	1,547 4 8

We shall select the year 1831.

Market Rents.

The Market Rents are sums paid for the use of small shops near the market; the soil is the property of the corporation. They are let at rack-rent by the crier. A quarter's notice to quit is given.

Quit Rents, and other Rents.

The property of the corporation is for the most part let on leases for 40 years, which are renewed every 14 years for a fine. These rents are for small sums, seldom above 2 *l.* There are four properties let at rack-rent; they produce together an annual sum of 156 *l.* 5 *s.*

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Some complaints were made to us that certain mud lands, belonging to the corporation, were not embanked. These lands are covered by the sea at every tide. The corporation did at one time entertain a proposal for embanking a part of them; but great apprehensions were entertained as to the result upon the health of the inhabitants, and the scheme was relinquished. Some doubt is also felt as to the effect which such change would produce on the channel. At present, there is so much difference of opinion upon the subject among the inhabitants, that we do not think that the corporation can be justly charged with neglect.

Annuity, or Bonds of Commissioners of the Harbour.

In the 873*l.* 14*s.* 3*d.*, is included the sum of 580*l.*, which is entered in the account books as arrears of annuity. It was paid under the following circumstances. The commissioners for improving the harbour, under the Acts 43 Geo. 3, c. xxi, and 50 Geo. 3, c. clxviii, had taken some land of the corporation, for which they were to pay 92*l.* annually. In 1831, a large arrear had accrued. The corporation were paid 80*l.* in cash, and 500*l.* more in the bonds of the commissioners for 100*l.* each. This is entered as a receipt of 580*l.* cash, and a loan of 500*l.* on bonds. The corporation still holds two of these bonds; the other three were paid away, in the same year, as cash, for an account which will be stated presently. The loan on bond does not appear in the account of disbursements which we shall give.

Bond of Commissioners of the Royal Pier.

The corporation holds also a Bond for 100*l.* of the Commissioners of the New or Royal Pier, on which no interest has yet been received.

Title.

Some question has arisen as to the exclusive right of the corporation to a part of the land which they consider to be their own. The title to the soil of some fields is questioned by some of the inhabitants, and a right of common is said to exist more extensive than that allowed by the corporation. We do not find that the claim is very definitely understood, and believe that no legal proceedings have ever taken place on the subject.

Dues from Southampton Harbour.

The corporation were formerly entitled to certain dues upon shipping, entitled groundage, wharfage, storeage, cranage, anchorage, and petty customs. The Act for improving the Harbour, 43 Geo. 3, c. xxi, directs that these shall cease, and that a fifth of the produce of the pier dues, after deducting the collector's poundage, shall be paid to the corporation. The burgesses were exempt from the payment of the old dues; the distinction has disappeared since the change.

Fines.

The leases are, as before mentioned, generally for a term of 40 years, and they are renewed every 14 years. The Fine paid on renewal is usually a year and a quarter's rack-rent. But if the tenant has made considerable improvements on the property, no fine is taken on the first renewal afterwards.

Expenditure.

The following Table shows the Expenditure of the corporation for the last three years.

Years.	Payments in the Nature of Salaries.	Repairs and Insurance.	Charities.	Entertainments.	Contingencies.	Interest on Debt.	Permanent Outgoings.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	377 14 4	61 10 1	39 12 –	48 10 –	58 5 4	167 9 3	272 11 3	1,025 12 3
1831	396 15 –	166 13 9	37 4 –	- -	201 12 9	133 – –	703 – 6	1,638 6 –
1832	371 11 2	185 18 5	62 10 –	25 – –	84 2 10	126 – –	78 2 9	933 5 2

We shall select the year 1831.

Salaries.

The Salaries in this year happen to comprehend only three-quarters of the allowance to the serjeants at mace, making this item amount to 45*l.* instead of 60*l.* The composition paid to them in lieu of dinners expected to be given on certain occasions, and fees for attendances, is 24*l.* 19*s.* This is not quite a constant charge, but it is not liable to much variation. The mayor happened to be in his second service this year, which increased his allowance by 30*l.* This was also a year in which the under-sheriff appointed by the corporation was employed by the sheriff, which makes an item of 31*l.* 10*s.* in the expenditure.

Repairs and Insurance.

The Insurance of certain of the premises of the corporation amounts to the annual sum of 9*l.* 10*s.* Of the Repairs, the following may be particularized; 22*l.* 10*s.* for the repair of the walls, a charge formerly very onerous to the corporation, as appears by the ancient charters; 86*l.* 14*s.* for building a house for vagrants.

Charities.

Under the Charities are included only such gifts as proceed from the voluntary act of the corporation, to the exclusion of all donations which they administer as trustees.

Entertainments.

Nothing appears in this year under the head of Entertainments. Under the head of the functions of the mayor, we have already explained how much that officer is expected to perform in the way of hospitality; and the annual allowances made on that account are arranged under the head of salaries. Certain also of the compositions to the serjeants have been shown to originate in the same way: these also have been placed under the head of salaries.

Of

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Contingencies.

Of the Contingencies we will particularize the following. Expenses incurred at the coronation, 35*l.*; present of plate to the late recorder, 74*l.*; furniture hired to ornament a room for receiving the Duchess of Kent, 5*l.*; frames for some pictures presented to the corporation, 16*l.*; binding books for the library of the free school, 42*l.* 15*s.* 8*d.*

Interest on Debt.

The Debt was almost all contracted in order to build the audit-house and market, belonging to the corporation. The greater part is on bonds of the corporation: interest at four per cent. is paid. The debt has been reduced; and probably it will gradually be paid off.

Permanent Outgoings.

The Permanent Outgoings comprehend in the first place two fee-farm rents. One of these is 40*l.* 2*s.*, paid annually to a charity called Hatfield's Charity. By the charter of Edward 6, the fee-farm rent due to the Crown was reduced to 50*l.*, except on certain events happening, which have not occurred for many years (see section 28). The charter of Charles repeats the same regulation. The certificate as to the amount of the petty customs was regularly made, till these were abolished by the 43 Geo. 3, c. xxi, and another payment instituted, as mentioned in the account of the revenues. On this the corporation, instead of the annual certificate, transmitted to the Lords of the Treasury and the Barons of the Exchequer a certificate, dated 9th of November 1824, that the dues had ceased. This certificate was rejected for not certifying the amount of dues received instead of petty customs. A fresh certificate was then sent in from the corporation, estimating the sum paid in lieu of petty customs (as distinguished from groundage, wharfage, storeage, anchorage, and cranage,) at one quarter of the sum paid by the commissioners, that is one twentieth of the net receipts of the commissioners. The certificate has been prepared in this way from that time. No fee-farm rent whatever is paid to the Crown; but it is conjectured that the fee-farm rent paid to Hatfield's Charity is this rent, which is believed to have been transferred at one time from the Crown to the charity. We cannot find that any one knows more of the matter than this: the transfer probably took place at the time of the general sale of the Crown rents in the last century. How the reduction from 50*l.* has taken place, is not known; it may be owing to some arrangement respecting the land-tax. Another fee-farm rent of 14*l.* 9*s.* 8*d.* is paid to the Receiver-general; no one knows how this originated. A quit-rent of 6*l.* 8*s.* 8*d.* is paid for certain premises held of Queen's College, Oxford. An allowance of 25*l.* is made annually for planting some land of the corporation. There is an allowance of 61*l.* for the clothes of the serjeants. This occurs every other year. The item would perhaps be more correctly placed under the salaries. Under the present head also is placed an expenditure of 483*l.* 1*s.*, which perhaps might more properly have been placed under contingencies. It was paid to the town clerk, 300*l.* in three of the bonds of the commissioners of the harbour, mentioned in the account of the revenue, and the rest in cash. In 1826, the corporation owed to the town clerk 553*l.* 3*s.* 6*d.* for bills of six years, including the expenses of a heavy lawsuit: 235*l.* 3*s.* 4*d.* was paid off some time back; the remainder, added to the bills for 1830, 1831, and a bill for some sales to the commissioners of the harbour, made up the 483*l.* 1*s.* These are all the items of the permanent outgoings which we think it necessary to particularize.

Charge for Charities.

The corporation revenues are also liable to the payment of certain Charities, the annual amount of which is estimated at 320*l.* For a part of these, mortgages have been granted, upon certain parts of the property of the corporation, to the amount of 4,979*l.* In this account we do not include the outgoings arising from payment of the income produced by property specifically appropriated to certain charitable purposes. The income from this last kind of property does not appear in the account of the revenue.

Committee of 1830.

From this account it appears that the receipts exceed the outgoings. A committee was appointed, in January 1820, to examine the state of the revenue and expenditure. They reported on the 22d of February 1822. They estimated the annual income, exclusive of timber, at 1,450*l.*, and the annual expenses, including the charities and the interest of the bond debt, at 1,315*l.*; leaving an annual balance in favour of the corporation of 135*l.*

	£.	s.	d.
The gross property was estimated at - - - - -	32,818	7	8
The liabilities - - - - - - - - -	11,303	17	8
Balance of clear property - - - £.	21,514	10	–

The committee recommended taking larger fines for renewals, the application of the timber to the liquidation of the bond debts, the practice of economy for the purpose of being able to benefit the town, the payment of a fluctuating balance due to the banker, and some other details, including the enactment of a rule that no member of the common council should be present at any discussion on the renewal of any lease held by him. Resolutions embodying these recommendations were passed on the 22d of March 1832.

Method of Keeping and Auditing the Accounts.

We have already mentioned that the functions of the auditors are merely nominal. The treasurer of the corporation is a banker, who is a member of the common council, and with whom the account is kept. He makes up a cash book from the banker's book. On the last Friday in January, there is a meeting of the common council; the banker's book, the vouchers, bills, and receipts, are examined, one by one, and the balance is entered in the journal as an act of the common council. This system of accounts has been acted upon only since December 1817. A sum had been ordered to be paid by the treasurer to the late mayor for his

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allowances, in November 1814: the partner of the late mayor, who was also a partner of the treasurer as a banker, placed this to the joint account of himself and the late mayor at the bank. Afterwards the late mayor, on the ground of his having given no order to that effect in writing, refused to allow of the transfer to the joint account. This took place in December 1816. The treasurer took the loss on himself, and credited the corporation anew with the sum so transferred, but required that the cash book should be regularly kept from that time. A resolution to that effect was passed on the 5th of December 1817. The accounts are not published in any way; and the audit does not appear to excite any particular interest even among the members of the common council.

State and Prospects of the Town.

117. The following table will show the state of the population and buildings during different periods of the present century.

DIVISIONS.	Population in 1801.[a]	Population in 1811.[a]	Population in 1821.[a]	Population in 1831.[a b]	Inhabited Houses in 1801.[c]	Inhabited Houses in 1831.[b]
All Saints - -	2,315	2,792	3,685	5,560	Not separated in Marshall.	877
Holyrood - - -	1,415	1,543	1,739	1,772		278
St. John's - - -	519	512	651	660		107
St. Lawrence - -	363	419	459	406		53
St. Mary - - -	1,807	2,542	4,708	8,520		1,484
St. Michael - -	1,210	1,450	1,671	1,752		267
Portswood - -	284	359	440	654		123
Total - -	7,913	9,617	13,353	19,324	1,509	3,189

From this it appears, that in 1801 there were 5.24 persons to a house, and 6.06 in 1831. The great increase has taken place in St. Mary's parish. In this parish there are only 5.74 persons to a house, which is below the present average. We were informed however that the population which has grown up there consists principally of the lower orders. The Police Act originally comprehended the space built over; it is said that it now hardly comprehends half of it, although some streets have placed themselves under the operation of the Act since it was passed.

The revised list of voters for 1832 contains,

Freemen - - - - - - - - - -	44
£.10 householders in all All Saints - - - -	295
Scot and lot voters in ditto - - - - -	122
£.10 householders in Holyrood - - - - -	145
Scot and lot voters in ditto - - - - -	18
£.10 householders in St. John's - - - -	26
Scot and lot voters in ditto - - - - -	20
£.10 householders in St. Lawrence's - - - -	40
Scot and lot voters in ditto - - - - -	4
£.10 householders in St. Mary's - - - -	164
Scot and lot voters in ditto - - - - -	358
£.10 householders in St. Michael's - - - -	80
Scot and lot voters in ditto - - - - -	50
£.10 householders in Portswood - - - -	37
	1,403

We have no means of ascertaining how many names in the above list appear more than once.

The place derives considerable importance from its nearness to the Isle of Wight, to Havre, and Guernsey and Jersey. It is also a favourite watering-place. There are many steam-packets belonging to it. The population consists, in a great degree, of importing, exporting, and retail merchants: and there is much ship-building carried on here, but the vessels built are of small size. Timber is largely imported from America and the Baltic. Coals are brought hither from the north, and sent up the country as far as Salisbury. There is also a considerable Irish trade. Wines and brandies are also largely imported. The west country stone is brought hither in great quantities. The opinion seems to be, that the rate of profits has declined, but that the lower class of tradesmen are rather better off than formerly. The number of paupers, relatively to the whole population, is believed not to have varied much for some time. The port includes Lymington westward, and extends eastward to Portsmouth. We subjoin some Returns relating to the trade of the place.

[a] Rickman's "Comparative Account," &c., p. 236.
[b] Census of 1831.
[c] Marshall's "Account," &c., p. 28, No. 1447.

AN ACCOUNT of the Annual Amount of DUTIES received at the Port of *Southampton*, from the Year 1815 to 1832 inclusive.

YEARS.	AMOUNT. £.	s.	d.	YEARS.	AMOUNT. £.	s.	d.
1815	44,618	–	–	1824	49,098	–	–
1816	37,459	–	–	1825	58,558	–	–
1817	38,480	–	–	1826	65,318	–	–
1818	46,566	–	–	1827	64,060	–	–
1819	37,803	–	–	1828	72,187	–	–
1820	42,733	–	–	1829	82,633	–	–
1821	42,948	–	–	1830	80,024	–	–
1822	41,597	–	–	1831	57,383	–	–
1823	51,032	–	–	1832	47,806	–	–

AN ACCOUNT showing the Number of VESSELS, and their Tonnage, entered Inwards, Outwards and Coastwise, with Cargoes, at the Port of *Southampton*, for the Years 1830, 1831 and 1832.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		Coastwise, including Ireland.				Number and Tonnages of Vessels belonging to the Port.	
					Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
1830	356	35,199	205	18,242	940	45,314	1,238	52,928	195	8,296
1831	373	33,200	187	12,017	1,216	44,473	1,201	55,872	200	8,194
1832	279	24,891	159	13,793	1,565	108,629	1,428	69,543	189	8,061
Total	1,008	93,290	551	44,052	3,721	198,416	3,867	178,343	584	24,551

RECEIPT of the HARBOUR DUES.

	FOREIGN. £.	s.	d.	COASTWISE. £.	s.	d.
1823	1,150	–	–	662	10	–
1824	1,150	–	–	660	15	2
1825	1,150	–	–	710	13	9
1826	1,060	13	2	1,026	18	4
1827	1,506	16	1	692	14	11
1828	1,408	16	8	694	3	11
1829	1,843	8	–	771	17	11
1830	1,685	9	9	734	16	3
1831	1,490	–	2	703	7	3
1832	1,286	14	2	644	16	8

118. We subjoin a list of Local Acts :—

Local Acts.

20 Geo. 2, c. 15, An Act for repairing, improving and maintaining the Public Conduits, and other Waterworks belonging to the Town of Southampton.

10 Geo. 3, c. 25, An Act for the better paving, repairing and cleansing the Streets, and other public Passages, in the several Parishes and Wards of Saint Michael, Saint John Holyrood, Saint Lawrence, All Saints within the Bar, All Saints without the Bar and East-street, and Bag-row, within the Town of Southampton, and Liberties thereof, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious, and for the lighting and watching the said Streets and public Passages.

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13 Geo. 3, c. 50, An Act for better regulating the Poor, and repairing the Highways, within the Town and County of the Town of Southampton.

43 Geo. 3, c. xxi. (Local and Personal, Public), An Act for abolishing certain dues called Petty Customs, Anchorage and Groundage, and for improving the Port of the Town of Southampton; for making a convenient Dock for the Security of Ships; for extending the Quays and Wharfs, and making Docks and Piers in the Harbour there; and for erecting Warehouses for the safe custody of Goods and Merchandize; and for imposing certain Duties for the above purposes.

43 Geo. 3, c. xxxii. (Local and Personal, Public), An Act to amend and render more effectual an Act made in the Twentieth year of the Reign of his late Majesty, for repairing, improving and maintaining the public Conduits and other Waterworks belonging to the Town of Southampton.

50 Geo. 3, c. xx. (Local and Personal, Public), An Act to alter and amend Two Acts passed in the Twentieth year of his late Majesty, and the Forty-third of His present Majesty, for maintaining the public Conduits, and other Waterworks belonging to the Town of Southampton.

50 Geo. 3, c. clxviii. (Local and Personal, Public), An Act for altering and amending an Act made in the Forty-third year of His present Majesty's Reign, for improving the Port of the Town of Southampton.

50 Geo. 3, c. clxix. (Local and Personal, Public), An Act to amend an Act, made in the Tenth year of His present Majesty, for paving, repairing, cleansing, lighting and watching the Streets and other public Passages in the Town of Southampton.

2 Will. 4, c. i. (Local and Personal, Public), An Act for erecting and maintaining a Pier, and other Works for the more conveniently landing and embarking Passengers in the Port of the Town of Southampton.

Documents.

119. We have sent with this Report copies of the following Documents:—

1. A Translation of the Charter 16 Charles 1.
2. A Copy of the private Nomination Roll of 1833.
3. A Return of the Number of Burgesses elected for the last 10 years.
4. A Return of the Number of Trials at the Quarter Session for the Town and County of the Town of Southampton, from Michaelmas Sessions 1831 to Midsummer Sessions 1833, both inclusive.
5. A Return made to the Common Law Commissioners respecting the Civil or Common Court.
6. A Return respecting the Mesne Process in the same Court.
7. A Return respecting Final Process in the same Court against Goods.
8. A Return respecting Final Process in the same Court against the Person.
9. A List of Fees in the same Court.
10. A Return respecting the House of Correction.
11. A Return respecting the Common or Felons' Gaol.
12. Abstracts of the Income and Expenditure for the Maintenance of the Poor of the United Parishes of Southampton, from March 1st, 1828, to March 1st, 1832; and General Abstract of one year's Account, ending March 1st, 1833.
13. Abstract of the Treasurer's Accounts of the County Rate, from Michaelmas Sessions 1828 to Michaelmas Sessions 1832.

T. F. Ellis, jun.
D. Maude.

REPORT

ON

THE CITY OF WINCHESTER.

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CITY OF WINCHESTER.

1. THE City of Winchester comprehends a large part of the mass of buildings constituting the town. The Limit is well known, and is laid down in the map in the Boundary Reports. There are several parishes totally or partially comprised within it; the remainder of the town contains several parishes more, and certain extra-parochial districts*. The liberty of the Soke encompasses the city on almost every side; and a small part of it actually comes within the city. The soke is under the seignioralty of the Bishop of Winchester; it is divided into the east soke and the west soke. The Parliamentary Borough, as defined by the Boundary Bill, embraces almost every house in the soke, or city, or extra-parochial precincts. Local Limits of the ancient City and the present Parliamentary Borough.

2. The corporation professes to be governed by a Charter granted in the 30th year of the reign of Queen Elizabeth. In this charter, it is recited that the town has been governed immemorially by a mayor, six aldermen, two bailiffs, two coroners, two constables, and other officers; and reference is made to letters patent of the Queen and her progenitors. In a later part of the same charter, there is a ratification of previous charters, both of the Queen and her predecessors, specifying only a grant of Philip & Mary. The members of the corporation appear however to be unacquainted, except from tradition, with any earlier charter than that of Queen Elizabeth; and we can give no better information on the subject, than that which is contained in Milner's History of Winchester†. From what we have seen, on the few opportunities which we have had of comparing this work with authentic documents, we are not disposed to trust much to its authority. The author relies principally on the manuscripts of a mayor of Winchester, who lived two centuries ago. Governing Charter of Elizabeth.

3. A short Charter, supposed to be that of Henry 1, grants to the citizens of Winton, "de gildâ mercatorum," freedom from toll, passage, and customs. Milner has given reasons for believing that this was really a charter of Henry 2. Charter of Henry 1 or 2.

4. Richard 1 granted a Charter‡ in the first year of his reign. The important grants are the following. "Sciatis nos concessisse civibus nostris Wintoniæ de gildâ mercatoriâ, quod nullus eorum placitet extra muros civitatis Wintoniæ, de ullo placito præter placita de tenuris exterioribus, exceptis monetariis et ministris nostris. Concessimus etiam eis quod nullus eorum faciat duellum, et quod de placitis ad coronam nostram pertinentibus, se possint disrationare secundum antiquam consuetudinem civitatis." Then follow immunities from certain duties, and a restriction of amercements to such as shall be imposed "secundum antiquam legem civitatis." Pleas for land and debts within the city are confined to the precincts of the city. Liberty is also given to strangers and others to exercise trades within the city. Charter of Richard 1.

5. John granted a Charter, which Milner places in the ninth year of his reign. The charter, as set out by Milner, is not dated. It grants that the Royal mint and exchange shall be at Winchester. It grants also two mills. Also that none shall be distrained for debt without the same city, unless he be a principal (capitalis) debtor or pledge; by which clause it was perhaps intended to relieve the members of the guild from a supposed liability to debts of which they had formally approved the security§. The remaining grants are nearly repetitions from the charter of Richard. This charter of John contains the following expressions: "Nullus eorum, qui fuerit de gildâ mercatorum." It is clear from this, that a distinction was recognised between citizens of the guild and other citizens. In those times the latter class would probably be identical with the residents in general. Charter of John.

6. We have seen no charters besides these, earlier than that of Elizabeth. Milner asserts that there were a mayor and bailiff in the reign of Henry 2. He asserts also that the charters were renewed by Henry 3, and a common seal first granted by him. According to the same authority, Edward 1 renewed the charters, and restored to the citizens the privilege of choosing their own officers, which they had in some way lost. Philip and Mary, as appears by the charter of Elizabeth, must have granted some charter to the corporation. We were informed that the archives of the city were believed to have been destroyed in a fire which occurred 150 years ago. Non-existent Charters.

7. We shall give an account of the important clauses of the governing Charter of Elizabeth in the course of the detail of the constitution of the corporation. The franchises of the city were surrendered to Charles 2 on the 28th of June, 36 Car. 2 (1684); and the surrender was enrolled in the Court of Chancery on the 12th of March, 4 Jac. 2 (1688). Charters of James 2.

A charter

* None of these are, as stated in the Boundary Reports, within the city.
† Appendix to Vol. 2, p. 296—302.
‡ Said by Milner to be extant in Bohun's collection of Debates.
§ *See*, however, Report on Southampton, section 9.

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A charter was granted on the 15th of September in the fourth year of James 2 (1688). This recites the surrender, and then re-grants the franchises in nearly the words of the charter of Elizabeth. It reserves, however, a power of removing the officers, and dispenses from the tests and oaths of the "Act for preventing dangers which may happen from Popish Recusants;" and it provides that the recorder and the town clerk shall not enter into office without the approbation of the Crown. The corporation possesses a second charter of James 2, dated 6th November of the same year, which is nearly identical with the former, except that it omits the reservation, dispensation, and provision, mentioned above.

Title of the Corporation

8. The Corporation is entitled in the charter of Elizabeth, "The Mayor, Bailiffs and Commonalty of the City of Winchester."

Officers created by the Charter of Elizabeth.

9. The Officers created by the charter of Elizabeth are,

Mayor	1
Recorder	1
Deputy Recorder, or Town Clerk	1
Aldermen	6
Bailiffs	2
Coroners	2
Constables	2
Twenty-four Men	24
Clerk to take recognizances of debt by statute merchant	1

Officers not created by the Charter of Elizabeth.

10. Other Officers are,

High Steward	1
Chamberlain	1
Cofferers	3
Auditors	8
Serjeants at Mace	4

Besides servants of the corporation, such as Beadle and Bellman.

Freemen.

11. There are at present 112 freemen; 50 of these are 10*l.* householders within the borough; 3 reside within the borough, but not as householders, in houses worth 10*l.*; 8 more are entitled to vote as residing within the seven miles; the remaining 51 are not resident.

Mayor, how elected.

12. The charters give no particular directions as to the method of electing the Mayor or other officers, except in the case of the aldermen. But there is a general clause that the election of all officers shall be as in times past. The election of the mayor now takes place annually under what is considered to be the ancient custom of the city, which was ascertained by an inquiry into the traditions of the city in 1690: affidavits were then made, and an ordinance was passed declaring the custom. The whole body, consisting of the existing mayor, the officers, and the freemen, meet upon summons. Then the aldermen and all who have served the office of mayor (if there be any such who are not aldermen), with the exception of the mayor himself and the person in election (a title which will be explained presently), retire into a chamber. There they select two names. These names are taken usually from the aldermen, but sometimes from the twenty-four men; there are very few instances of their being taken from the freemen at large. The selecting body return to the assembly, and present to the mayor the two names selected; the mayor strikes out one of the two names, and then reads to the assembly first the name not struck out, and then the name of the person in election. The person in election is always the same; as one dies another is chosen, by those who have served the office of mayor: he is commonly called the basket-man. The assembly, including those who have been in the chamber, then select for mayor, by a majority of voices, either the remaining name of the two selected in the chamber, or the person in election. In case of the death of the mayor, his predecessor takes the office for the remainder of the year, if he please; if he decline to do so, a new mayor is elected in the manner before described, who serves for the rest of the year. But the records of the corporation show that the conformity of this with the ancient custom has been disputed. In practice, the person in election is never chosen mayor; some one is selected for that situation who is supposed to have no chance of being ever elected. But so late as 1812 there were 16 votes given for the person in election, against 39 which were given for the other candidate. The cause of this contest was a wish on the part of the minority to put an end to the closeness of the system. It is always well understood before the meeting, what two names are to be selected in the chamber, and which the mayor is to strike out. The inhabitants appear to believe that this arrangement is made at a dinner which, till the late election of mayor (16th September 1833), was usually given by one of the Members for the city to the mayor and aldermen on the day preceding the election. We believe however that, if this has ever been the case, it has not been by any means an uniform custom. No instance is recollected of a person refusing to serve, who had been elected; but there is no fine for not serving. In the greater number of instances the mayor is selected in rotation from the aldermen. The mayor is not an alderman during his year of office; but he resumes his ancient seniority among the aldermen when the year has expired. The original intention must have been, not to make the person in election a mere formal functionary, but to secure the general body against the absolute power of choice in the proposing body. The person left from the last election must have been formerly a real candidate for election.

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13. The proposal of a person for Recorder is first agreed on at a meeting, called a chamber or hall, consisting of the mayor and aldermen. He is then proposed at a meeting of the whole body, including freemen, called a common assembly. No instance is known of any opposition in the assembly to the proposal. The office is held for life. The present recorder is a King's counsel on the Western Circuit; when he was elected he was not a King's counsel: he does not reside in the city. He is a freeman, and was made so on the day of, and previously to, his election to the office of recorder. Not many years back, there was a recorder who was not a barrister; he was considered to be one of the joint proprietors of the borough. Recorders, how elected.

14. The charter of Elizabeth simply declares that the individual named therein, as first recorder, shall execute the office by himself or his sufficient deputy, who shall be called Town Clerk. The legal effect of this may possibly be that the recorder is to name the town clerk. In practice, the latter is elected exactly as the recorder. He is not necessarily a freeman. He holds for life. The office is now held jointly by two persons, with survivorship, of whom one is not a freeman, and the other is now one of the twenty-four men, and was a freeman at the time of his election. A canvass took place at the time of the last election: at the suggestion of some of the chamber, the contest was compromised by an understanding that the two persons who now hold the office should be elected jointly, and that one of them should manage the business, arranging with the other, as the two might please, about the division of the emoluments. A third candidate withdrew his opposition, on an agreement made with the town clerk, who does not manage the business, that this latter would give him half his emoluments. Some controversy has since taken place in print, on the question whether this last agreement has been strictly adhered to. There have been other instances of the office being held by two jointly. The present joint town clerks are not partners for other business. Both are attornies of the superior courts. Town Clerk, how elected.

The charter of Elizabeth gives the mayor and recorder power to take Recognizances of Debt according to the statute merchant of Acton Burnell, and enacts that there shall be a Clerk for the purpose, to be appointed by the mayor, bailiffs and commonalty. This officer seems to be now either represented by the town clerk, or not to be elected at all. Clerk for Recognizances of Debt.

15. The proposal of the Aldermen is agreed upon at a chamber, exactly as that of the recorder, when vacancies in the number of six occur. It is made afterwards to an assembly of the twenty-four, of which the existing mayor and aldermen form a part. No objection to the proposal has been made in modern times by the assembly. The alderman is taken from the body of the freemen; among these there would probably be generally a preference of one of the twenty-four men, whenever there was a proper person for the office in that body; but there is no rule on the subject. The alderman holds for life, except during his year of mayoralty, at the expiration of which he resumes his original seniority among the aldermen. We do not find that any family interests prevail in the election of aldermen. No difficulty is found in procuring persons to serve; but there is no fine for not serving. There was a resignation a few years back. By the charter of Elizabeth, the aldermen may be removed by the mayor, recorder, aldermen, and twenty-four men, at their discretion, without any limitation as to cause of removal. The same persons are empowered to elect in case of vacancy of any kind. This clause has been interpreted into the restricted method of election above described. No removal is recollected to have taken place. There was a division, in the assembly of the twenty-four, on the election of an alderman on the 16th of April 1814, when the proposal of the chamber was carried by a majority of 15 to 3, the alderman selected voting with the minority. Aldermen, how elected.

16. The Bailiffs are elected annually at the same time with the mayor, in the same way as the recorder is elected. It is an invariable custom for a person to serve for two years; for the first year he is called low bailiff or bailiff of the commons, for the second year, high bailiff, or bailiff of the twenty-four. He is taken from the body at large; there is no preference as to seniority. It seems to be considered as a step towards the higher places in the corporation. There is no fine for not serving; but there is no difficulty in procuring persons to serve. Bailiffs, how elected.

17. The Coroners are annually elected in the same way as the aldermen, the proposal being first agreed upon in a chamber, and then made to the assembly of the twenty-four, which comprehends the persons forming the chamber. They are always freemen, and are usually re-elected. No instance is recollected of a contest for the office, or of a refusal to serve; there is, however, no fine for not serving. Coroners, how elected.

18. The charter mentions only two Constables; in practice there are always four. They are appointed annually, first by a proposal agreed upon in a chamber, and then by the assembly of the whole body. The freemen claim to be exempted from serving this office; and the claim is in practice allowed, though its validity is doubted. Instances have occurred where freemen have been named, but the names withdrawn on their insisting on their freedom. There is no fine for not serving, but no difficulty is found in procuring persons to serve. Constables, how many, and how elected.

19. The Twenty-four Men are elected for life, as vacancies occur, in the same way as the recorder. If there be more than one vacancy, the whole number proposed are submitted to the common assembly together; but this is considered to be an informality. They are always selected from the freemen. There is generally a wish felt among the freemen to be elected to this situation; but it is believed that the choice is frequently influenced by partialities arising from family connections or political feelings. An alderman has at present Twenty-four Men, how elected.

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two sons among the twenty-four, and another son and a son-in-law a freeman. Complaints are made that freemen of long standing and respectable character cannot obtain admission to this body. The complaints, if not warranted by the facts, are probably the result of the close method of election. There is no power of removal in the charter. There is no fine for not serving this office.

High Steward, how elected.

20. The High Steward is elected for life, in the same way as the recorder. This officer is not directly mentioned as a functionary of the corporation, in the charter of Elizabeth; but the same charter recites the petition of Francis Walsingham, high steward of the city. The surrender to Charles 2 also mentions this among the other offices. The person elected is usually some distinguished individual, to whom the corporation wish to show respect. The present high steward is the heir-apparent of the nobleman who was looked upon as the patron of the borough. He was elected in 1823. Before his election there had been no high steward for many years.

Chamberlain, how elected.

21. The Chamberlain is annually elected in the same way as the recorder. He is chosen from the freemen. The same person is usually re-elected. There is no fine for not serving this office, but there is no difficulty in procuring persons to serve.

Cofferers, how elected.

22. The Cofferers are elected from the aldermen annually, exactly as the aldermen. The same persons are usually re-elected. There is never a contest. There are no fines for not serving, but there is no difficulty in procuring persons to serve.

Auditors, how elected.

23. The Auditors are annually appointed in the same way as the aldermen; two from the aldermen, two from those who have been called to the bench, two from the twenty-four men, two from the freemen. There is never a contest. There are no fines for not serving, but there is no difficulty in finding persons to serve.

Serjeants at Mace, how elected.

24. The Serjeants at Mace are elected annually in the same way as the recorder. No instance is recollected of these officers having been selected from the freemen. The same persons are usually re-elected. This office is mentioned in the charter of Elizabeth, but not by way of creation; and the number is not specified. There is an entry of the discharge of a serjeant in the first year of Queen Mary's reign (1553).

Freemen, how chosen.

Guilds.

25. The title of Freeman is not found in any of the charters which we have seen. It seems most probable that it originated in the mercantile Guild mentioned in the earliest charters, and that the persons admitted to this guild were distinguished by peculiar privileges. The charter of Elizabeth grants the power to the corporation of creating guilds, of any art or mystery, with one master and two wardens. This privilege has been occasionally exercised in ancient times. Two ordinances of the 23d of March, 3 Will. & Mary (1690), create corporations of carpenters and cordwainers. An ordinance of the 5th of March in the same year recites an immemorial custom that no one shall exercise any mystery, trade, or menial occupation, unless he have been apprenticed seven years within the city, or licensed or admitted by the city, and imposes fines. Another ordinance of the same date recites the custom to be exclusive of persons not being freemen of the guild of merchants, or admitted apprentices, or having the leave of the mayor, bailiffs, and commonalty. It seems very probable that this was the original freedom of the city, though there is now neither guild nor exclusive privilege of trading. The freemen are still "admitted and sworn free and freemen of the guild of merchants." An ordinance of the 26th of February, 3 Will. & Mary (1690), enacts that no person shall be admitted or suffered to use or exercise any trade and mystery or manual occupation without consent of the mayor and assembly, unless he shall have served seven years apprenticeship in the city to such trade. From this it might be suspected that the apprenticeship gives originally a claim to the admission to the freedom; but nothing of the sort is now recognised. The freemen are chosen, from time to time, by a proposal from the chamber to the common assembly of the whole body. The latest traces of a division in the assembly, which we have found, on the election of freemen, was 13th January 1798. The proposal of the chamber was that 32 persons named should be elected freemen. It was carried in the assembly by 43 votes against 19. The freemen are selected from the inhabitants at large. No doubt whatever exists of the choice having been principally directed to establish a political or family influence. There are many dissenters and catholics in the town; it is said that any one of them would have found it very difficult to obtain admission into the corporation. There is at present one Wesleyan methodist who is a freeman; this we believe to be the only instance in the corporation of professed dissent, however limited, from the established church. The number admitted in the different years fluctuates extremely, as might be expected. On the 11th of September 1833, 171 freemen were created: this is by far the largest election ever known; we were assured that this had been made with a view to render the system more liberal than before, and that political opinions or family connections had not in any way influenced the selection made. We are disposed to believe implicitly in the truth of this assurance: the more so, because the selection can no longer produce any political result, and because the state of the corporation property has lately become such as to render the offices of the corporation no longer objects of pursuit. Accordingly we learn that very few of these freemen are likely to take up their freedom. If a considerable number should do so, and if this should be followed up by an impartial admission of the new members into the upper ranks of the corporation, it is possible that the confidence of the inhabitants might for the time be gained; at present, as far as we could perceive, a directly opposite feeling prevails very

very strongly. From what has been said in the 11th section, it will be seen that the freedom has been confined to a respectable class within the city, and we are assured that the same remark applies to the non-resident freemen. Persons of the highest station in the city are freemen. The fees for the admission of a freeman are

£.	s.	d.	
3	3	–	to the town clerk.
–	5	6	to his clerk.
1	1	–	to the serjeants.
–	2	6	to bellman.
–	2	6	to beadle.
–	2	6	to town crier.
4	17	–	
3	3	–	stamp.
£. 8	–	–	

It is said that hitherto this expense has not operated to deter persons from taking up their freedom, but it is believed that this will probably happen in future.

Fees.

26. No Fees are paid on the admission of any officer of the corporation, with the exception of some payments which the mayor makes to bell-ringers, and to one or two lower officers and servants of the corporation, amounting in all to about 6 *l.*

Calling to the Bench.

27. Freemen are sometimes called to the Bench. This merely gives a dispensation from serving the inferior offices in the corporation; and it is bestowed as a mark of respect.

Government by the Hall or Chamber and Assemblies.

28. From the account given of the constitution of this corporation, it will have been seen that all elections take place by a proposal being sent, from the Hall or Chamber, to one of two larger bodies, either the members of the chamber added to the twenty-four, or the whole body of the corporation. The hall or chamber consists of the mayor and aldermen. In one instance, that of the election of mayor, the titles chamber or hall are applied to a body consisting of the aldermen and those who have served the office of mayor, to the exclusion of the mayor for the time being, and of the person in election: but it seems that this is not, strictly speaking, a hall or chamber. The assembly of the members of the chamber and the twenty-four is called the assembly of the twenty-four: that of the whole body is called a common assembly. The initiative, in every case, is in the hall or chamber. As soon as it is determined that a proposal shall be made to either assembly, the assembly is summoned with a notice of the business to be transacted. The notice is not very specific; thus, if the assembly were summoned to elect freemen, the names of the freemen would not be mentioned in the notice. In all cases the sanction of one of the assemblies must be given to the proposal.

The sanctioning body is the assembly of the twenty-four, when the proposal is to elect or remove aldermen, or to elect any other officer except mayor, bailiffs, chamberlain, recorder, town clerk, or twenty-four man.

The common assembly must sanction the election of the officers last mentioned, and of freemen, the disposal of corporation property, and of such property as the corporation hold as trustees, and generally all the ordinances respecting the corporation.

The proposal when acceded to by either assembly becomes an ordinance. No instance came to our knowledge of a division in the chamber; and in the assemblies such an occurrence has in modern times been extremely rare. There was, however, a division in the assembly of the twenty-four, on the 16th April 1814, which has been already mentioned (sect. 15). There was also a division in the common assembly on the 22d of January 1810, in which there were 38 votes for the proposal of the chamber, and 6 against it; and the minority would have been larger, had the objectors believed that there was any chance of success. There was also, as mentioned in the 12th section, a division respecting the choice of mayor in 1812; but this was not, strictly speaking, a debate as to the ratification or rejection of the proposal of the chamber. It was till lately considered that the assembly can do no more than ratify or reject the proposal when made; but of late this usage has been departed from. The common assembly was summoned on the 12th of August 1828, by the chamber, to receive a report and to consider the proper measures to be taken. An original motion was then made in the assembly, and an amendment upon it moved and carried by 13 votes against 4. The question related to the corporation property, in this case, and in that of 1810. It is indeed highly improbable, from the constitution of this corporation, that the power should practically be in any other hands than that of the chamber. No person can be proposed as a member of either of the assemblies except by the suggestion of the chamber; so that whenever a particular party gains the ascendancy in both bodies, no limit can be assigned to its power either in degree or duration: and, even supposing either assembly to contain a majority against the chamber, such a majority can do no more than stop business. From this it appears very doubtful whether any liberal administration of the corporate functions by individuals can secure permanently the confidence of the inhabitants, however successful such conduct may be for the time.

The public are not admitted to any of the chambers or assemblies. They are held in the Town-hall, with the exception of that held for the election of the mayor, bailiffs, and chamberlain. This last is held in a large hall, which is a part of certain buildings formerly held by the corporation on charitable trusts. These trusts have now been transferred to other

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trustees, by whom the hall is leased jointly to the high steward and to a near relation of one of the Members for the city. The lessees allow the use of this hall gratuitously to the corporation.

Committees.

29. Committees are occasionally appointed to conduct particular departments of the corporation business. For instance, the corporation have lately been made defendants to some very serious Chancery suits respecting some charities of which they were trustees, the result of which has been most disastrous to them. On the 18th of February 1811, this business was entrusted to a committee consisting of the mayor, recorder, and aldermen and bailiffs for the time being. The superintendence of the different steps of a complicated chancery suit could scarcely have been exercised by the whole body; but it is questionable how far the body acted wisely in delegating the management to a particular branch of the corporation.

On the 21st of October 1819, the committee appointed in 1811 were authorized to contract for the enfranchisement of the corporation property to the lessees, in order to meet the orders in Chancery for the payment of money, and "for other corporate purposes." This power has been applied to satisfy the debts incurred in defending the suit, so as in fact to pay off the corporation's own costs. This exercise of the power appears to us to be within the spirit, and indeed the letter, of the two ordinances: it has however been the subject of much complaint.

Mayor, functions of.

30. The Mayor, by the charter of Elizabeth, is a justice within the precincts of the city, and acts as such at the petty and general sessions held for the borough. The duty devolving upon him in these capacities is very heavy.

He presides at the civil court of the borough, given in the charter.

He is escheator for the Crown, by the charter of Elizabeth.

He is a clerk of the markets, and would preside in the court of pie poudre if such were held; but no instance of such an occurrence is recollected.

He has jurisdiction over weights and measures.

He is a commissioner under the Paving Acts hereafter mentioned.

He is a commissioner under the Bridewell Act hereafter mentioned.

He is a commissioner under the statute of 7 Geo. 3, and later Acts passed for rendering navigable the river Itchin, upon which the city stands.

His share in the constitutional detail of the corporation has been already described.

He has no salary. His emoluments arise principally from certain sums paid in the nature of quit-rents, by the lessees of the corporation, called chicken-money. This will be explained in the account of the funds. The amount of them is now estimated at 18 *l.* for the year; before the late law-suits, by which the corporate property has been reduced, and certain trusts taken from their management, it was upwards of 40 *l.* He has nothing besides this, except 1 *l.* for cakes and ale bequeathed to the mayor and aldermen, and now given to the mayor only. He has no mansion-house. No hospitality is now exercised by the mayor; but he is expected to give some assistance to casual poor. His estimate is that he will perhaps be a loser of 1 *l.* or 2 *l.* by holding office. The chicken-money was formerly given towards a dinner at the borough-mote court; and there were very expensive entertainments given throughout the year, defrayed principally by the corporate funds, and in part (as is believed by the inhabitants) by the Members for the city. The mayor is said to have had, on some of these occasions, the wine which was not consumed as a perquisite. This system has altogether ceased; and we believe that there are now no entertainments given to or by the corporation, of which the expense is not borne by the persons attending them.

No power of appointing a deputy mayor is to be found in the charters or ordinances which we have seen. But such appointments have sometimes taken place. The person appointed has, we believe, always been an alderman. In 1818, one of the Members for the city was mayor, and he appointed a deputy by an entry in the Book of Proposals of the chamber, on the ground of his absence on Parliamentary and other business. In the following year, the present high steward of the borough, the heir apparent of the nobleman who was considered the patron of the borough, was mayor; and he appointed the same deputy in the same form, and for the same assigned reasons. Neither of these mayors had served any office in the corporation; both were mere freemen, the former of some years standing, the latter admitted in 1818. It is not easy to believe that these elections can have been made with the view of securing the services of a competent officer. The high steward, when mayor, finding the corporation involved in the litigation before alluded to, entered a protest on the corporation records, to the effect that he had been only recently elected a freeman, and had no knowledge of the subject-matter of the suits, and that, though he relied fully on the conduct of the corporation in the matters which were the subject of the suits, his future acts relating to the litigation were to be considered as done simply in the character of mayor, and that he would be a party to no application of the funds, except under the direction of the Court of Chancery. At the time of putting in this protest, the mayor was, by virtue of his office and the ordinance of 1811, mentioned in section 29, a member of the committee for conducting the suit on behalf of the corporation.

Recorder, functions of.

31. The Recorder is a justice of peace within the precincts, by the charter of Elizabeth. He is not in the habit of acting as such, except at the general sessions of the borough, when he sits with the mayor and tries prisoners. He occasionally omits to attend: this is not a common

a common occurrence, and it never takes place except when he is informed that no business of importance is expected. He would not be absent if there were a felony to be tried. The sessions are sometimes postponed to meet his convenience; the delay is said to be scarcely ever of more than two or three weeks.

By the charter of Elizabeth, the civil court is to be held before the mayor, the recorder, or his deputy, and the bailiffs*. The recorder however is not expected to attend, and never does so.

He is a commissioner under the Acts mentioned in sect. 44, under the Act of 7 Geo. 3, and later Acts passed for the navigation of the river Itchin.

His salary is 4*l.* per annum; he is not allowed travelling expenses.

32. The Town Clerk, by the charter of Elizabeth, is the deputy of the recorder, and acts as such when the recorder is absent; he sums up the case to the jury, at the general borough sessions; but he does not pass sentence. Town Clerk, functions of.

He attends these sessions as officer of the court, and keeps the records.

He is clerk of the indictments.

He attends at the petty sessions, and acts generally as clerk to the justices of the city.

He enters the plaints in the civil court of the city, but does not practise there as an attorney. He taxes the costs there.

He prepares all the conveyances relating to the corporation property, and collects the fines.

He attends the chambers and assemblies, and records the proceedings.

He attends the audits of the corporation accounts.

He is not the general attorney to the corporation.

The town clerk receives a general salary of 6*l.* 13*s.* 4*d.*, which is called a patent fee (his office being held by patent from the corporation). He has 3*l.* 3*s.* on the admission of each freeman. In 1832 only one was admitted. His fees on the conveyances were last year 38*l.* 5*s.* On each enfranchisement of the corporation property to the lessees, he receives 6*l.* 8*s.* In 1832 there were one or two of these. His fees at the criminal and civil courts are not estimated at so much as 5*l.* each. On this estimate there would be the following emoluments on the items stated.

	£.	s.	d.
Patent fee	6	13	4
Admission of one freeman	3	3	–
Conveyances	38	5	–
Fees on two enfranchisements	12	–	–
Fees in civil court	5	–	–
criminal	5	–	–
£.	70	1	4

This sum is divided equally between the two town clerks, under the agreement mentioned in sect. 14. The one therefore, who does not interfere, receives about 35*l.* There is other business, comprehending the collection of fines, estimated at 20*l.*; and the fees arising from the office of clerk to the magistrates, estimated at about 15*l.* These, under the same agreement, are taken exclusively by the person who does the business. His profits therefore, as town clerk, are about,

	£.	s.	d.
Half the first mentioned aggregate	35	–	–
Fees on collection of fines (1*s.* in the pound)	20	–	–
Received as clerk to the magistrates	15	–	–
£.	70	–	–

Many of these items are much lower now than formerly. The fines are very much diminished by the loss of much charity and corporation property; and the enfranchisements, which were very largely made at one time to meet the expenses of the litigation, have latterly almost ceased. The fees alone, in 1822, amounted to 141*l.* 9*s.* 6*d.* The enfranchisements have sometimes produced as much as 70*l.* to the town clerk. The largest sum divided by the two is estimated at about 300*l.*

The one of the two joint town clerks who, by the agreement, is not to interfere in the business, does in fact occasionally attend to it, when circumstances prevent the other from doing so.

The town clerk considers the situation to be more valuable from the connections to which it may lead, than from its direct profits.

The town clerk who does the business is also clerk to the commissioners under the Bridewell Act, section 52, for which he receives a salary of 5*l.*

33. The

* Milner's Translation is inaccurate at this part.

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Aldermen, functions of.

33. The Aldermen are justices of the peace within the precincts. The principal business is thrown upon the mayor; but there are generally one or two aldermen in the habit of acting with him. The city is divided into six wards, one alderman is annually assigned for each: but this has now no practical effect, as the aldermen, who act, do so for all the city. The aldermen have no salary or emoluments of any kind.

Their share in the constitutional detail of the corporation has been already described.

They are commissioners under the Paving Acts mentioned in sect. 44; the Bridewell Act mentioned in sect. 52; and the Act of 7 Geo. 3, and later Acts, for the improvement of the river Itchin.

Bailiffs, functions of.

34. The two Bailiffs are in the nature of sheriffs of the city; there is no distinction as to the functions of the two. They issue and return processes; but, in this and all other business, they merely act under the direction of the town clerk, who is practically the under-sheriff.

They are commissioners under the Bridewell Act mentioned in sect. 52.

They have no salary or emolument of any kind; and they are put to the expense of finding their gowns and hats.

Coroners, functions of.

35. The Coroners hold inquests on such deaths as happen within the precincts: they are generally assisted, but not officially, by the coroner for the county. Their only emoluments arise from receiving 1 *l.* on each inquest. The average profit of this is about 5 *l.* a year between the two. There appears to be nothing in this office which might not be performed by the town clerk.

Constables, functions of.

36. The Constables execute the warrants of the city magistrates. If the warrants are resisted, they are aided by the police under the Paving Act hereafter mentioned. Instances have occurred of the constables serving by deputy. They have no salary or emoluments.

Twenty-four Men, functions of.

37. The Twenty-four Men have no functions besides those which they exercise in the constitutional detail of the corporation, and which have already been described.

High Steward, functions of.

38. The High Steward's office has now no functions whatever attached to it: it is merely conferred as a compliment. He has no salary or emoluments.

Chamberlain, functions of.

39. The Chamberlain collects the quit-rents from the lessees of the corporation, the fee-farm rents, and the chicken money mentioned in the 30th section. The first two he is to pay to the cofferers, the last to the mayor. He has also certain disbursements to make, for which he has generally the order of the mayor. He accounts to the mayor and aldermen. His salary is 10 guineas. This office seems to answer most nearly to that of treasurer, but it is in a great measure superseded by that of the cofferers.

The present chamberlain is the treasurer for the borough rate, and for the funds collected under the Bridewell Act, both of which will be mentioned hereafter.

Cofferers, functions of.

40. The whole revenues of the corporation should regularly pass through the hands of the Cofferers. Each has a key of the coffer, which is kept in the Town-hall. They account to the mayor and aldermen from time to time through the year, and ultimately to the mayor and auditors in the manner described in the next section: the business is principally done in fact by the town clerk. The cofferers have no salary.

Auditors, functions of.

41. The audit is kept by submitting annually to the mayor and Auditors the bills upon the corporation: to these the mayor and auditors put their initials. After they are paid, a second meeting of the mayor and auditors is held, at which the payments in and payments out are exhibited: these are kept in different books. The receipts for the bills are produced at the time, and examined by the mayor and auditors, should these officers require it. In practice, this examination does not always take place, the existence of the vouchers being taken for granted. The balance is struck, and an entry of it signed by the auditors is made both in the book of payments out and in that of payments in. This audit is regularly taken. These books do not however include the chamberlain's receipts and disbursements. These are audited separately, and this audit should be taken every year. But these last accounts are very negligently kept and audited. The last audit was taken May 19th, 1829, and it comprehends no receipts of sums due later than 1827. The chamberlain's receipts' book contains no sums due later than 1828. At these audits it is very uncommon for all the auditors to attend, though the bye-laws require that all the auditors should sign the account. The most negligent are the auditors of the freemen, and the most diligent, the auditors of the aldermen. The mayor and all the aldermen see the books, but no one else besides the auditors. One or two aldermen generally attend, in addition to the auditors, though they appear to have no right to do so, beyond the other members of the corporation. No publication of the balance is made. The understanding appears to be that the twenty-four men might inspect the accounts of right; but a doubt is professed whether the mere freemen could do so. No applications have been made. We heard however very contradictory accounts as to the feeling entertained on the subject. We were assured by some that no dissatisfaction had ever been expressed at the secrecy of the accounts, and by others that it had been the subject of great complaint. The auditors have no salary or emoluments.

Serjeants at Mace, functions of.

42. The office of the Serjeants at Mace answers to that of sheriff's officers. They serve the processes and execute the writs of the civil court. They also collect the tolls of the markets and of two of the fairs hereafter mentioned. These are given to them as perquisites: for this they are to have certain repairs performed. They have a salary of 3 *l.* 3 *s.* each, and

and receive 5 *s.* for every process. The emoluments from the latter source must be extremely small, as the town clerk estimates the whole of his own profits in the civil court at less than 5 *l.* (sect. 32).

	£.	s.	d.
The average value of the market toll, is - - - -	86	–	–
The expenses of rates, and repairing stalls, &c. - - -	14	4	–
Emolument to be divided among the four - -	£. 72	16	–
The profits of the tolls of the fairs we estimate at an average of annually - - - - - - - - - -	19	–	–
The disbursements - - - - - - - - -	2	10	–
Emolument to be divided among the four - - -	£. 17	10	–

By an ordinance of 14th April 1803, no serjeant at mace may be a victualler or publican. One of the present serjeants at mace is keeper of the city bridewell hereafter mentioned.

Freemen, privileges of.

43. The share which the Freemen take in the constitutional detail of the corporation has been already described.

They had before the Reform Bill the exclusive right to vote in the election for Members for the city, whether resident or non-resident. They claim an exemption from serving as constables; but the validity of the claim is doubted, and it is said that instances have occurred in which they have served, and also instances in which, after being named as constables, their freedom has been pleaded as a dispensation and allowed. They also claim to be exempt from serving on juries within the city, which exemption is a matter of dispute, though it appears to have been conceded in fact to the twenty-four men and aldermen. In common with all the inhabitants, the freemen are exempt from serving on county juries. There is no exclusive privilege of trading now recognized in the city: and the freemen are not exempt from tolls at the markets or fairs.

In Milner's History of Winchester*, it is said that the city of London, in the 32d year of Edward 3, conceded to the citizens of Winchester an immunity from certain duties, and that the agreement was enrolled in the Guildhall of London, in the 32d year of Edward 1, in the mayoralty of John Le Blunt of London. We found no one at Winchester who knew more of this matter than that the statement was in Milner.

Jurisdiction of Corporation.

44. There is a non-intromittent clause in the charter of Elizabeth, but it has not been insisted upon, and the sheriff's writs have, as long as is recollected, run into the city. The city has exclusive criminal jurisdiction within its own precincts. The charter of Elizabeth grants a boroughmote court (which is here understood to mean a court of criminal jurisdiction) to be held twice in the year, according to the old custom of the city. It is understood that this custom was to hold them in September and December. There are other sessions held in the middle of April and at Midsummer, for which there is no express authority. The time of holding the four sessions is sometimes varied, so as to suit the convenience of the recorder. The variation is scarcely ever for more than two or three weeks; but the result of this may be to prolong the confinement of an innocent prisoner. The mayor presides with the aldermen and the recorder, when present. This last magistrate tries the prisoners. The town clerk is clerk of the indictments; and he sums up to the jury in the absence of the recorder as his deputy. An earlier clause of the charter appears to give the mayor, recorder, and aldermen a power to hold courts of oyer and terminer for murders and felonies as well as minor offences; but in point of fact the offences and appeals tried here are the same as those ordinarily tried at quarter sessions. Prisoners are sometimes transported by the court. Upon the precept of the mayor, the grand and petty juries are selected by the bailiffs, who are in the nature of sheriffs, from lists furnished by the serjeants at mace, who are their officers; the selection practically is made by the town clerk. The summons is served by the serjeants at mace. The juries are from the inhabitants; the grand jury are taken from the higher class, including freemen; the twenty-four men claim an exemption, which has latterly been conceded in practice. The turn to serve on the grand jury comes round about once in every year, at which the inhabitants are dissatisfied; if the exemption of the twenty-four men were not allowed, the turn would probably not come round above once in two years. The turn to serve on petty juries comes round perhaps once in two years. Barristers very seldom attend; they are not entitled to practise to the exclusion of others when they do attend.

Quarter Sessions.

The average of felonies tried in the last 10 years is from four to five: six misdemeanors and one appeal have been tried during the whole of the same period. The costs of an ordinary felony are, 3 *s.* for the indictment, and 6 *d.* for each witness; and the costs of a misdemeanor are the same: these are paid from the city rate hereafter mentioned.

Town Court.

The civil court of the borough is commonly called the Town Court. The charter of Elizabeth gives a court of record to be holden before the mayor, the recorder, or his deputy, and the bailiffs, for all pleas, plaints and actions, real, personal and mixed. The style is, "The Court of the Mayor, Recorder and Bailiffs." But the recorder never attends; and the

* Vol. 1, p. 270. (2d Ed. 1809.)

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the court refuses to act except in cases of debt and contract, and of course in such only of these as arise within the city. The mayor presides. The plaints are entered at a fee of 6*s.* 8*d.* each by the town clerk, who does not practise in the court. There is a court day every Wednesday. The process may be bailable or serviceable; arrests frequently take place. It is served or executed by the serjeants at mace. It is returnable on the first court day after it is sued out, and appearance must be entered on the third court day, exclusive of the return day. The pleadings are filed with the town clerk. Each successive step takes a court day. But the practice is extremely irregular, and the proceedings are not recorded; it is very uncommon for a cause to proceed to trial, and no writ of execution is recollected to have been taken out. In case of trial, the jury are summoned and selected as in the criminal court, the freemen being in practice exempted from serving. The mayor sits, but the town clerk takes the evidence and sums up to the jury. The costs are taxed by the town clerk, who regulates them by Palmer's table. There is no instance of a removal recollected. Any attorney of the superior courts may practise without being admitted. The largest sum which the town clerk recollects to have been sworn to is 52*l.* 10*s.*

In the last 10 years, nine actions have been commenced by bailable process, and 44 by serviceable process; the least sum recovered was 1*l.* 1*s.*, and the highest 161*l.* 10*s.*: only one case was tried; in this, judgment was suffered by default, and a writ of inquiry executed; the debt recovered was 4*l.* 10*s.* The bill of costs was 11*l.* 15*s.* 10*d.*, of which 3*l.* 14*s.* were taken off on taxation: no execution was issued. The proceedings commenced in August 1830, and were finished in August 1831.

It is scarcely possible for a court, in which anything whatever is done, to be less efficacious. The general feeling of the inhabitants is that a good local institution of the sort is wanted, and that a certain degree of care might make this court available.

Petty Sessions.

The Petty Sessions are held twice in the week, and oftener if necessary, before magistrates of the city, of whom the mayor is usually one.

Police.

The Police, as far as the city is concerned, is properly under the constables of the borough, but the whole town is watched, lighted and paved, under two Acts of Parliament, 11 Geo. 3, c. 9, and 48 Geo. 3, c. ii. The mayor, recorder and aldermen, and a considerable number of other persons, are commissioners under this Act. The commissioners, as vacancies occur, elect new ones, who must possess messuages, lands, tenements or hereditaments within the city, of the clear yearly value of 20*l.*, or a clear personal estate of the value of 1,000*l.* They have power to raise in the year money by assessment not exceeding 2*s.* 6*d.* in the pound on the annual value of property: not more than 1*s.* 8*d.* can be raised upon houses where the majority of the owners has not demanded to be paved. The whole rate is nominally raised; but the property is in fact assessed at only one-third of its actual value; and it is supposed that a heavier tax could not be borne. The whole rate raised is about 1,000*l.*: from 250*l.* to 300*l.* more is raised by tolls: and rather more than 10*l.* is paid for extra lamps. The watching was very inefficient before these Acts passed. It has since been discovered, that the power which the commissioners possess of maintaining a night police is insufficient for the protection of the town. Accordingly a number of the inhabitants subscribe to pay for the whole police, the commissioners contributing 100*l.*, and the sum raised by subscription besides being about 200*l.* The watchmen are sworn before both the county and city magistrates. Thus a function, which properly belonged to the corporation, has been, from their inability to discharge it, lodged in other hands, and then it has been found necessary to have recourse to a third association in aid of the second. One effect of the system of voluntary subscription is, that the policemen are sometimes threatened by individuals, to whom the duty performed happens to be obnoxious, with the withdrawal of their subscriptions. The corporation officers who are commissioners take no particular part in the working of the Act. The town is now well watched; but there are many complaints as to the lighting and paving. The commissioners are in debt to the amount of 7,607*l.*: and the last statement (June 1833) shows an excess of expenditure above income, of 39*l.* 19*s.* A small part of the mass of houses is not comprehended within the operation of the Act.

Weights and Measures.

The Mayor regulates the Weights and Measures of the city by means of a jury who are sworn in by him. The deficient weights or measures are broken: this has taken place twice in the present mayoralty.

Other Jurisdictions concurrent, or in the Vicinity.

County Quarter Sessions and Assizes.

45. The County Quarter Sessions are held within the city of Winchester. The magistrates of the borough never commit offenders to be tried at them; the offences which are considered too heavy for the jurisdiction of the general borough sessions are tried at the Assizes.

The Soke.

The liberty of the Soke, comprehending the east and west soke, encompasses most of the city; but not, as is stated in the Boundary Reports, the whole. Its limits are perfectly well known. A constable is appointed annually for each soke by the bailiff or his deputy, and a leet jury. The bailiff is appointed by the Bishop of Winchester, who is lord of the franchise. The constables of the preceding year bring a list of three names for each soke to the bailiff, who directs the jury which to choose. The constables are sometimes called mayors of the soke. Each soke is divided into three districts; a peace officer is annually named by the constables for each of the six; in three of these, he is called the alderman, in the other three the tithing-man.

County Court.

The County Court sits within the city.

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The Cheney Court has a civil jurisdiction over a very large district contiguous to Winchester, extending in some directions as far as 30 miles from it. It comprehends the soke, but not the city, and includes 195 parishes, tithings or places. Pleas are held in this court to any amount. The Bishop of Winchester presides by his deputy. The expense of an average case, with a trial, is about 8 *l.* Cheney Court.

46. The present boundary of the Jurisdiction marks out a district which cannot be considered to be separated from the rest of the town for any other purposes. The inconvenience is much felt. The precincts of the cathedral are nearly in the heart of the town, and offenders escape into these, or into the district lying just on the outside of the imaginary boundary, so as to elude the warrants of the city magistrates. The nearest county magistrate lives at the distance of three miles, and there is no other residing nearer than six miles. The Parliamentary Boundaries would, we think, form a proper limit for the jurisdiction. Whether the Local Limits of the Jurisdiction require extension.

47. There are three Fairs held in the year, which belong to the corporation. These are granted in the charter of Elizabeth: one of these, with its incidental tolls, is leased out by the corporation; the tolls of the other two are taken by the serjeants at mace. The first is a sheep fair, and the toll is 1 *s.* 6 *d.* on every pen of 50 sheep exposed. The others are general fairs; the tolls are on all goods exposed. The largest toll is 1 *s.* for every stall or standing. On these two the serjeants at mace take the tolls for their own benefit. Fairs.

48. The charter grants two weekly Markets. These are subject to the same tolls as the two last-mentioned fairs. These tolls also are taken by the serjeants at mace for their own benefit. Some discontent has arisen on the subject of them. Markets.

49. The public-houses within the precincts are licensed by the city magistrates. There are 38 of these; the number has varied very little for several years. Some applications for Licences to fresh houses have lately been refused. The licence is understood to belong to the house, rather than the individual. Three or four licensed houses belong to the corporation; and there are three or four licensed persons among its members. Licences.

50. The corporation has no ecclesiastical or other Patronage except the appointment of the objects of some charities, and the following, which is merely formal. There are two exhibitions, one for Cambridge, the other for Oxford, paid for by the gubernators of a charity. When either is vacant, the warden of Winchester, who is an *ex officio* conservator of the charity, gives two names to the mayor. They then are proposed by the chamber to a common assembly, and recommended by an ordinance to the gubernators, who then select one of the names. No control is in fact exercised by the corporation over the choice at any stage; the warden's proposal is never negatived. The six gubernators are all members of the corporation at present. Patronage.

51. The corporation do not take any part in the mangement of the Poor, except that there is a general understanding that the mayor is to give some relief to casual paupers, and that the same class of persons receive occasional relief from the city rate hereafter mentioned. Poor.

52. The persons committed for the city sessions are confined in the City Gaol; and the criminals sentenced to imprisonment are confined there, unless they are sentenced to hard labour. In that case, they are sent to the county gaol, which is within the city; and 8 *s.* is paid for each prisoner every week to the county. The civil prisoners are confined in the same gaol. By an ordinance of the 25th of June 1800, it was determined that a new city gaol should be built, and the old one pulled down. An ordinance of the 11th of March 1801 directs an application to Parliament for a Bill to defray the expenses of building the gaol by a rate on the inhabitants. The Act passed in July 1801. It is intituled, "An Act for completing the Common Gaol:" and it recites the partial erection of the new gaol, and the inadequacy of the ordinary funds of the corporation to complete it, and to purchase some houses occupying certain sites. The mayor, aldermen, and bailiffs for the time being are appointed commissioners. The money to arise under the Act is to be applied, first towards discharging the expenses of the Act, and secondly to completing the gaol and purchasing the houses. Power is then given to raise money not exceeding 210 *l.* in one year, by assessing the occupiers who are rateable under the first Paving Act; "so that the money from time to time to be raised, exclusive of the interest, shall not exceed in the whole, and when added together (computing from the passing of this Act until the raising or levying such money shall actually cease), the sum of three thousand pounds." The power is to cease on the completion of the building of the gaol, and of the purchase of the houses. Power is given to borrow to the amount of 3,000 *l.* The commissioners immediately borrowed the full sum of the 3,000 *l.* There was at that time a heavy debt due from the corporation for money borrowed and expended in the partial erection of the gaol up to the passing of the Act for its completion. The commissioners took, from the 3,000 *l.* borrowed, the sum of 1,394 *l.* 2 *s.*, which they applied to the extinction of the debt so incurred before the passing of the Act. City Gaol.

The assessments up to 1830 inclusively, varied from 235 *l.* to 290 *l.*, and the average was about 260 *l.*

The sums collected varied from 218 *l.* to 64 *l.*, and the average was about 194 *l.*

The whole amount raised was 5,444 *l.* The payments in 1829 were 64 *l.* 8 *s.* 9 *d.*, and no payments were made afterwards. The whole of the arrears, up to 1829 inclusively, came to 1,959 *l.* 19 *s.* Some parts of the sums levied were applied to the current expenses of the

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Bridewell, such as tithes, rates, insurance, and stationery. It is said that the payment of the rate was never enforced from any person who did not choose to pay. We have no means of investigating the correctness of this assertion. The creditors for the sum borrowed under the Act applied for a mandamus to compel the commissioners to levy rates to pay the interest of the debt, on the 9th of April 1833. The corporation proposed to pay 1,400*l.* from the corporate property, on condition that the inhabitants would submit to the rate. The inhabitants held a meeting, on a two-days notice, and accepted the proposal; a few, however, still object; but it is believed that there will ultimately be no resistance.

Independently of the inferences to be drawn from the misapplication of the funds above detailed, it is important to ascertain in what sense the corporation could be considered to be incapable of completing their gaol, and to be driven to demand a power of taxation for a municipal purpose. This will be best estimated by the nature of the disbursements of corporate property which have taken place since the obtaining of the Act; which we shall give, as far as we have been able to ascertain them, in a later part of the report. It should also be noticed, that between the year 1820 and the present time, the corporation has been compelled to part with nearly 9,000*l.* of their property, independently of the charitable trust-property of which the management has been transferred to other hands, and into which it is not our province to inquire. But we have been unable to discover that any of the functions, for which municipal institutions are supposed to be created, have been either better or worse fulfilled since this loss of corporate property has occurred; and this suggests the question, what demands upon the property could have existed at the time of passing the Act, which could justify the assertion that the corporation, from want of pecuniary means, was compelled to tax the inhabitants for municipal purposes.

The treasurer receives 15*l.* annually: the salary was formerly 20*l.* The accounts are very irregularly kept and audited. There is no item in his book since 1831; the last audit, including all 1830, was in February 1832. He is at present the city chamberlain.

The present clerk to the commissioners receives an annual salary of 5*l.* 5*s.* He is the working town clerk of the corporation.

The bridewell appears to us to be sufficient for the purposes of the city; it has seldom many inmates; it is very uncommon to have at the same time criminal and civil prisoners of both sexes; and when such a circumstance occurs, the four classes are separated by a slight encroachment on the arrangements of the keeper, who is at present one of the serjeants at mace.

Lock-up House.

There is also a Lock-up House belonging to the corporation, in which offenders are put for a few hours, when apprehended by the peace officers, before examination.

County Gaol.

53. The only connexion which the corporation has with the County Gaol, is the maintenance there of the city prisoners sentenced to hard labour, mentioned above.

City Rate.

54. The inhabitants of the city do not contribute to the county rate: a City Rate has been levied since 1817. This is laid on the different parishes by the city magistrates. The disbursements are for the current expenses of the bridewell, the relief of some casual poor, and in general such expenses as ordinarily fall on a county rate.

The treasurer has his accounts audited every year. He debits himself with the whole rate assessed, and from time to time takes credit for the amount of arrears uncollected. We give the results of the last three audits:

AUDIT of	RECEIPTS.		DISBURSEMENTS.		BALANCE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Oct. 1831	207 7 – including rate assessed,	204 – –	177 14 4 including no arrears		29 12 8 due from Treas^{r}.
July 1832	235 6 2 - - - - - - - - -	204 – –	253 3 7 - - -	113 8 –	17 17 5 due to Treasurer.
Mids^{r} 1833	325 1 – - - - - - - - - -	204 – –	351 19 11 - - -	174 7 –	26 18 11 due to Treasurer.

The charter of Elizabeth gives to the city all the goods and chattels of felons, and all fines for trespasses and misdemeanors. These are now added to the receipts of the city rate.

The present treasurer is the chamberlain for the city.

Funds.

55. The revenues of the corporation are derived almost entirely from rents and fines arising from leasehold property, and from fee-farm rents. We are quite unable to give any definite account of the average rental, from several causes; the unmethodical manner in which the accounts are kept, the nature of the income itself, and the manner in which the property has for some few years last past been dealt with, for reasons which will be explained below. The property of which the corporation is at present possessed consists entirely of houses situate within the city or precincts, with the exception of one piece of land near the town, containing about three acres, on which the sheep-fair is held: this land (independently of the tolls taken at the fair, which will be hereafter noticed), is let upon a long lease at a small quit-rent, subject to the same fine as the rest of the property. A considerable diminution, however, has lately taken place in the corporation property from circumstances which must be mentioned.

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By the charter of Queen Elizabeth, the trusts of the hospital of St. John within the city were vested in the corporation; they were also trustees of other charities. In the year 1811, an information and bill was filed in the Court of Chancery, to which the corporation of Winchester were defendants: other proceedings followed; and it was not until the last year that they came to a termination. By decrees of that court, authorized by an Act of Parliament, the trusts in all the charities heretofore vested in the corporation of Winchester were transferred to, and vested in, new trustees. In the course of these suits, the accounts connected with the charities were examined, and the corporation were directed to pay over to the receiver appointed by the court, out of their own funds, above 7,000 *l.* This statement is necessary in order to explain the extraordinary fluctuations, which appear in the annual incomes and expenditures.

Quit Rents.

Nearly the whole of the property is let upon leases of 40 years, renewable at the end of 14. The rent reserved is usually a small quit-rent, with a fine on renewal, which fine is calculated at one year and a half's improved value, or rack-rent of the premises, at the time of renewal. The chief part of the ordinary income of the corporation, as will be seen, arises from these fines; but in order to meet extraordinary demands, and particularly the above sum of 7,000 *l.* directed to be paid by the Court of Chancery, and their own costs of suit, which amounted to a sum between 1,500 *l.* and 2,000 *l.*, the corporation were obliged to enfranchise a portion of their property. The terms of enfranchisement seem not to have been calculated upon any specific proportion of the rent and time which the lease had to run; but in each case the corporation, we presume, made the best bargain they could with the lessee. We are quite unable to give accurately the number of these tenements leased out at present by the corporation, neither can we give any estimate of their value. The number entered in the quit-rent book of 1820, which is the only complete list that we have seen, reaches to 208: these are entered in this book independently of the hospital property, but some of them have been since decreed by the Court of Chancery to the charity, and the chamberlain, whose duty it is to collect the rents, was unable to point them all out: indeed he was ignorant of the situation of some of them: a fact to be accounted for only by the smallness of some of the rents, many of them not exceeding 1 *s.*, and some of them being as low as 4 *d.* or 2 *d.* In the next column to the reserved rent is entered the chicken money, to which allusion has been made under the head of the mayor's functions. Upon the making or renewal of every lease, there is reserved, besides the actual rent, an annual payment to the mayor, varying from 6 *d.* up to 5 *s.* The origin of this payment, we were told, was a contribution levied upon all the tenants for the feast given at the borough-mote sessions. Some of them had to supply a couple of chickens, others a couple of capons. The payments have for many years been made in money: 5 *s.* is considered the composition for the capons, and 2 *s.* for the chickens: but the payments are not restricted to those specific sums, although we do not find any higher reservation than 5 *s.* The amount of this payment seems to be arbitrarily determined: we are not aware that it is at all proportioned to the fine, and it certainly is not so to the rent: some of the higher rents have a low chicken payment, and in several instances where the quit-rent is only 1 *s.* the chicken money is 5 *s.* The amount of all these payments in 1820 appears by the chamberlain's book to be 19 *l.* The present nominal rental is entered in the chamberlain's book, as 58 *l.* This is the estimate which we made by deducting, from the quit-rents actually entered, the quit-rents of the tenements (among those mentioned in the entry) which have been enfranchised. This sum of 58 *l.* probably exceeds the sum which will be actually collected. In the year 1820, the nominal rental was about 144 *l.*: only 131 *l.* 12 *s.* 5½ *d.* of this rental was collected in that year, together with arrears from former years, amounting to 16 *l.* 1 *s.* 3 *d.* In 1827, the nominal quit-rent was about 114 *l.*: of this, only 87 *l.* 5 *s.* 3 *d.* was collected in that year; there is an entry of quit-rents, due at Michaelmas 1827, amounting only to 12 *l.* 14 *s.* 8 *d.*: this inconsistency we cannot reconcile. The last account of quit-rents collected is of those due at Michaelmas 1828; the entries are made, but the figures are not added up: and, although the account professes to be one of rents collected, there are blanks instead of figures opposite to several names. Under these circumstances, the calculation as to the probable actual produce of the present rental must be merely conjectural. The entries contain two quit-rents, which appear to be rather in the nature of reserved rents of value; one is entered at 27 *l.* per annum, the other at 20 *l.* The latter however has been transferred to the new trustees of the charity, and the other has been lately enfranchised.

Fee Farm Rents.

The amount of the Fee-farm Rental is 18 *l.* 19 *s.* 5 *d.* The sum collected in 1820 was 12 *l.* 19 *s.* 6 *d.*, due at Michaelmas in that year; and 2 *l.* 3 *s.* arrears. In 1827 the sum collected appears, by the chamberlain's book, to have been 16 *l.*: and the sum entered as uncollected, to have been 14 *l.* 15 *s.* 6 *d.*: the latter sum containing many years' arrears.

Fines.

It is quite impossible to give any account at all definite of the amount of Fines to which the corporation were entitled on their own account in any one year. The trust accounts and the private accounts of the corporation are all blended together, without any mark to distinguish one from the other. The only datum which we can furnish, in order to get anything like an approximation to the fines received by the corporation on their own account, is the following. The amount of quit-rents of the hospital property, as entered in the chamberlain's book of 1820, is 157 *l.*: adding this to the then corporation rental of 144 *l.*, we have 301 *l.*, the whole rental then under the management of the corporation. We will now give the amount of fines received for the whole in each year from 1810 to 1820: which period is selected as containing fewer enfranchisements, and therefore less variation of property than later

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later years: and as this number of years will give something like an average of the yearly value of the fines for the whole of the property (trust and corporate), an approximation may be made to the annual value of the fines receivable by the corporation on their own account, on the supposition that the average annual value of the fines will be proportioned to the annual rent. Now the amount of fines received, as well as we are able to separate them in the accounts, is as follows.

1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.	1819.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
960 5 -	240 16 6	532 18 -	134 8 -	178 10 -	354 9 -	1,019 11 -	927 2 -	325 15 -	391 18 -

The gross amount of these sums is 5,065 *l.* 12 *s.* 6 *d.*, which divided by 10, gives 506 *l.* nearly for the average amount of fines each year. The whole rental we have estimated (for 1820) at 301 *l.*; the rental properly belonging to the corporation at 144 *l.*; we have then 301 *l.* : 144 *l.* :: 506 *l.* : 242 *l.*, = annual value of corporation fines in 1820. This is evidently a very vague conclusion, but it is all we have to offer: and this furnishes the average upon the supposition only that the property had remained stationary, as it existed in 1820. Since that time, much property has passed out of the hands of the corporation, and of course the number of fines is diminished. The following proportion is worth very little as an approximation, but it is given as a continuation of the above method of reasoning: it is still taken on the supposition that the fines will be proportioned to the annual rental on an average. We shall have,

Rental in 1820 - - - - - - - -	£. 144
Ditto in 1833 - - - - - - - -	58
Average amount of fines on income of 1820 - -	242

Therefore 97 *l.* will be the average amount of fines calculated on the present income.

Tolls.

The corporation are entitled to some Tolls at the sheep fair, which are leased for 50 *l.* a year: this we understand to be the full value; also to market and other fair tolls. But the latter produce no income: the serjeants at mace collect them, and for their trouble in doing so, and in keeping the markets clean and orderly, take the tolls to themselves and give no account of them.

Income.

The above are the only sources of income which the corporation has. Upon the calculations above given, it will be seen that they amount to 223 *l.*; viz.

	£.
Quit-rents - - - - - - - - -	58
Fee-farm rents - - - - - - - -	18
Fines - - - - - - - - -	97
Sheep-fair tolls - - - - - - - -	50
£.	223

Which aggregate is subject to a diminution for the deficiency of the collection of the first two items.

Before the books of accounts were submitted to us, the town clerk, on a hasty calculation, averaged the income at about 200 *l.*

The corporation are still trustees and dispensers of two small charities: one from the Draper's Company of 2 *l.* 3 *s.* 4 *d.* annually, to be employed in the distribution of bread; and the other of 5 *l.*, a small rent-charge upon an estate at Bishop Stoke.

Enfranchisements.

As one of the means of raising money, the power and practice of enfranchising should be particularly adverted to. From the necessity of providing large sums, to satisfy the decrees of the Court of Chancery, the corporation has frequently within the last few years been obliged to resort to it. The sums of money produced by this method, in the years below mentioned, are given, in order to account for the means by which the disbursements were supplied.

The sum raised for enfranchisements from 1806 to 1816 inclusively, was 381 *l.*

1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.
		£.	£.	£.	£.	£.	£.	£.
0	0	940	1,085	2,080	1,985	1,260	250	410

1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.
	£.	£.	£.	£.		£.	£.
0	143	85	180	120	0	140	2,133

Amounting to the sum of 11,192 *l.*

The actual "payments in" for each year will be given below. We refer to sections 39, 40, and 41, for the regular method of collecting, expending, and auditing: in practice, we understand that almost all the payments are made to the town clerk: he pays the money into the bank to the credit of the cofferers.

The regular and uniform Disbursements of the corporation are, Disbursements.

	£.	s.	d.
Rent of market-house	25	–	–
Salary of recorder	4	–	–
— town clerk	6	13	4
— town serjeants	12	12	–
— beadle	26	–	–
— chamberlain	10	10	–
— bellman	2	–	–
— woman at St. John's House	2	19	3
Marquis of Winchester's creation money	33	4	–
	£. 122	18	7

We have not been able to learn in what way the last item originated: there is a tradition, that it was a penalty laid upon the city for allowing the escape of some State prisoner. The money is regularly paid to the Marquis of Winchester.

The permant outgoings are,

The beadles' clothes and hats.
Coals for the hall.
Surveyor's bill for valuing, on the renewal of leases.
Repairs to the market-house, town-hall, and other corporation buildings.
Repairs of the fire-engines.

There are several other small payments which are defrayed by the chamberlain, whose annual account of disbursements, including some of the items above mentioned, averages about 90 *l.*

The other and larger disbursements of the year which go into the cofferers' account are scarcely capable of classification. The accounts in the books of "payments in," and "payments out," submitted to us, which books reach to the present time, commence at September 1806: we will give the amount of the "payments in," and "payments out," from that time. The year generally ends in September, but, from irregularity in the time of the audit, it sometimes runs on to December.

	Payments In.			Payments Out.			Balance.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
							106	–	–½
1806–7	772	9	–⅓	750	8	8	128	–	5
1807–8	434	7	–	434	15	–	127	12	5
1808–9	1,111	6	4	1,198	5	6	40	13	3
1809–10	773	13	11	719	9	8	94	7	6*
1810–11	725	16	6	665	–	8	155	3	4
1811–12	978	5	1	1,000	7	11	133	–	6
1812–13–14	745	15	2	844	8	10	56	9	8
1814–15	1,058	3	–	1,031	16	1	82	16	7
1815–16	1,466	9	4	1,346	10	4	202	15	7
1816–17	1,137	16	4	1,084	12	8½	255	19	2½
1817–18	1,529	15	3	1,373	4	1	412	10	4½
1818–19	1,654	10	10	2,067	1	2½	—		
1819–20	2,033	11	4	506	7	8	1,527	3	8
1820–21	2,252	–	11	801	9	5	2,977	15	2
1821–22	3,018	–	7	5,739	–	6	256	15	3
1822–23	2,196	6	5	2,109	10	10	343	10	10
1823–24	1,453	6	2	1,242	14	2	554	2	10
1824–25	3,522	19	6	3,276	9	7	800	12	9
1825–26	521	18	–	922	2	7	400	8	2
1826–27	2,113	11	6	2,409	15	11	104	3	9
1827–28	1,055	9	4	641	2	–	518	11	1
1828–29	1,828	7	2	1,725	10	6	621	7	7†
1829–30	201	11	6	357	5	–	465	14	1
1830–31	341	17	6	595	18	4	211	13	3
1831–32	540	3	6	326	18	4	424	18	5

* Ought to be 94 *l.* 17 *s.* 6 *d.*
† Ought to be 621 *l.* 7 *s.* 9 *d.*

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These balances are entirely collected from the books of "payments in" and "payments out," and include all the accounts relating to the charities. When any money has been received, it has been entered by the town clerk, as so much money paid in, but whether upon the corporation account or charity account, is not stated. No other books are kept in which the accounts are separated. The payments out are still more indefinite; the consideration for the payment is very seldom stated: the payer's name in a very large proportion of the entries is the only thing mentioned. At the time of audit, the bills and vouchers produced might enable the auditors to ascertain the accuracy or reasonableness of the accounts: but without these, it is impossible to ascertain to what purposes the funds have been applied. We were told that considerable sums were annually expended in the repairs and improvements of the corporation buildings; we found entries also of subscriptions to the relief of the poor in times of unusual distress: but in both of these cases the payments are too irregular to furnish any average. The charities having been now withdrawn from the management of the corporation, the income and expenditure will be considerably reduced.

We were told that the disbursements of last year would, exclusively of the attornies' bills and charities, furnish an average of what may be expected in future.

The items from December 1831 to December 1832 are as follows:

Payments Out:	£.	s.	d.
Marquis of Winchester's creation money	33	13	4
Rent of market-house	25	–	–
Printer's bill	13	5	6
Bricklayer's ditto	6	10	10
Whitesmith's ditto	3	15	–
Carpenter's ditto	5	9	3
Painter's ditto	–	11	6
Glazier's ditto	4	6	10
Surveyor's ditto	26	12	3
Beadles' clothes and hats	11	4	–
Repairing engine	2	6	–
Coals	2	6	10
Cakes	–	18	8
Town clerk's poundage on fines	12	5	–
Mayor's incidental expenses	5	11	6
Fitting up church seats	1	15	–
Women taking care of hall	2	19	3
Recorder's salary	4	–	–
Payments to charities (which have ceased)	57	13	4
Repayment of a fine taken by mistake	5	5	–
Recorder's salary (arrears of)	36	–	–
Town clerk's bill, including balance of agent's account for law-suits	65	17	9
£.	327	6	10*

The principal reductions, which have been made by the corporation in order to meet their diminished income, have taken place in their contributions to charitable objects, the more limited manner in which they have repaired their buildings, and the almost entire discontinuance of corporation hospitality. The latter, some years ago, formed a considerable item in the year's accounts: at the September audit 1817, it amounted to 245*l.* 9*s.* 7½*d.*: in the year previous, to 141*l.* 14*s.*; and in the year preceding that, to 225*l.* 9*s.* 8*d.*, as appears upon the accounts: and amongst the other entries in the accounts are generally several items where the names alone of persons are given without any consideration stated for which the money is paid, many of which are charges of this kind. The following are two ordinances of the 22d January 1810, agreed to by the assembly on the same day. The first is, "That the sum of 72*l.* 10*s.* allowed for the mayor's feast annually on the 16th January 1802 has been insufficient for the purpose of supporting the same, and that the extra expenses attending such feasts, as paid by the several mayors from that period up to this period inclusive, and entered in the coffer books of 'payments out,' be allowed and confirmed." The other is, "That the sum of 700*l.* be borrowed at interest by the corporation to return so much money, which, in pursuance of an ordinance of 15th July 1795, was taken from the donations of Sir T. White for the discharge of bonds due from the corporation to certain persons mentioned."

However, on the 19th September 1825, it was resolved, that the entertainments should be curtailed, and that the following entertainments should no longer be paid for out of the corporation funds:

1st. The breakfast usually provided on election day of the mayor.
2d. The breakfast the day after the new mayor comes into office.
3d. The Juncheon the day after the new mayor comes into office.
4th. The dinner on the 1st of November.
5th. The supper on the choice of officers.

The

* There seems to have been a trifling mistake, either in the addition of the receipts in the book of "Payments out," or in the amount of some of these items, as the amount of "Payments out" is entered 326*l.* 18*s.* 4*d.*

The whole of the demands on the corporation from the Chancery suits are, as we understand, paid off: they have however still one heavy call upon their funds, having consented to give 1,400*l.* upon the bridewell accounts, as has been already stated (sect. 52): but this sum, if not paid since the accounts were made up, is provided.

State and Prospects.

56. The town has undergone very little fluctuation, either of prosperity or population, for many years: we were told that upon the whole it was improving: there are very few uninhabited houses in it. The only manufacture of any kind is that of sacks, and this is of no great extent.

The town, being situated in the centre of an agricultural district, furnishes a good corn market, which is well attended, but there is no cattle market of any consequence. There is also once in the year a very large sheep fair. The town is supplied with coal from Southampton by means of the river Itchin, which is made navigable by several Acts of Parliament; and of which the mayor, recorder and aldermen for the time being, are, along with others, named commissioners: the appointment of them as commissioners took place under st. 7 Geo. 3, c. 87. We are unable to give any accurate comparative account of the population, families or houses, on account of the variety which there is in the different published tables. This has probably arisen from the fact of the parishes being partly within, and partly without the city. We have been unable to ascertain the limits which Marshall has taken. We transcribe the census as it appears in the Boundary Report on the city.

	In 1821.	In 1831.
Population of the city	5,165 *	5,280 †
Parliamentary boundary	—	9,292

	1821.	1831.	Taxed at £. 10.	Worth £. 10.
Number of houses in the city	769	858	307	449
Parliamentary boundary	—	1,486	—	632

The aggregate population of the parishes, which Rickman has ranged under the head of Winchester, which appear to us to comprehend all that can be fairly considered to belong to Winchester, was,

In 1801 ‡	6,069
1811	6,681
1821	7,739
1831	8,712

The number of 10*l.* householders registered under the Reform Act in 1832 was 465.

Local Acts.

57. The following is a list of the Local Acts:

16 & 17 Car. 2, c. 12. (Private). "An Act for making divers Rivers navigable, or otherwise passable for Boats, Barges, and other Vessels."

7 Geo. 3, c. 87, "An Act to amend, explain, and render more effectual an Act made in the 16th and 17th years of King Charles 2, intituled 'An Act for making divers Rivers navigable, or otherwise passable for Boats, Barges, and other Vessels,' so far as the same relates to the river Itching, running from Alresford through Winchester to the Sea, near Southampton, and for better regulating the said Navigation."

11 Geo. 3, c. 9, "An Act for the better paving, repairing, cleansing, lighting and watching the Streets and other public Passages within the City of Winchester; and also within the several Parishes of St. Bartholomew Hide, St. John's in the Soke, St. Peter's Cheesehill, St. Swithin and St. Michael in the West Soke, in the Suburbs of the said City, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious.

35 Geo. 3, c. 86, "An Act to explain, amend, and render more effectual the several Acts of the 16th and 17th of King Charles 2, and of the 7th of His present Majesty, relating to the Navigation of the River Itchin, in the County of Southampton, and for improving the Navigation thereof, and for ascertaining the Rates of Carriage, Riverage and Wharfage payable thereon."

41 Geo. 3, c. cxxxii. (Local and Personal, Public). "An Act for completing the Common Gaol now building in and for the City of Winchester, and for purchasing certain Buildings within the said City for widening the avenues thereto."

42 Geo. 3,

* This number includes 117 in the Close and Widow's College, not within the city jurisdiction.

† The Population Return of 1831, gives 5,667 for the population of the city, exclusive of the Close and Widow's College, which are returned in the parish of Little Swithin. The Population Returns for 1821 and 1831 include the whole of the parish of St. Bartholomew, part of which is said to be in the city, and part in the soke.

‡ Comparative Account of the Population of Great Britain, p. 238. The population of 1831 is stated to be 9,212, but there is an error in the addition of the column.

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42 Geo. 3, c. cxi. (Local and Personal, Public). "An Act for explaining, amending, and rendering more effectual, several Acts of the 16th and 17th years of the Reign of King Charles 2, and of the 7th & 35th years of the Reign of His present Majesty, relating to the Navigation of the River Itchin, in the County of Southampton."

48 Geo. 3, c. ii. (Local and Personal, Public). "An Act for amending and enlarging the Powers of an Act of His present Majesty, for paving, cleansing, lighting, and watching the Streets and Public Passages in the city of Winchester, and several Parishes in the Suburbs thereof; and for removing and preventing Nuisances therein."

51 Geo. 3, c. ccii. (Local and Personal, Public). "An Act for increasing the Rates on Coals conveyed on the River Itchin, alias Itching, in the County of Southampton, and for amending and rendering more effectual the several Acts relating thereto."

1 Geo. 4, c. lxxv. (Local and Personal, Public). "An Act for increasing the Rate on Goods and Commodities conveyed on the River Itchin, in the County of Southampton."

10 Geo. 4, c. 44. (Private). "An Act to enable the Mayor, Bailiffs and Commonalty of the City of Winchester, to convey certain Estates, the Possessions of the Hospital of St. John the Baptist, in Winchester, to Trustees, to be appointed by the Court of Chancery, and to enable such Trustees to exercise certain Powers over the said Estates; and to authorize the Mayor, Burgesses and Commonalty of the City of Bristol to convey to the said Trustees a certain Sum, payable every 24th year, under a Grant of Sir Thomas White, and for other purposes."

Documents.

58. We have sent with this Report copies of the following Documents:

1. Charter of Elizabeth.
2. Surrender of the Franchises of Winchester to Charles 2.
3. Tolls payable at Fairs and Markets.
4. Return of the Number of Cases and Fees at the Borough Quarter Sessions.
5. Return of the Number of Cases, and Circumstances relating to them, at the Civil Court of the Borough.
6. Detailed List of the Actions brought in the same Court since 1815.
7. A taxed Bill of Costs in an Action in the same Court, which proceeded to Final Judgment.
8. Reports of the Income and Expenditure of the Pavement Rate for 1830, 1831, 1832.
9. Account of the Parishes, Tithings and Places within the Jurisdiction of the Cheney Court.
10. Report on the Bridewell Rate.
11. Abstract of the Treasurer's Account of the City Rate, from Midsummer 1832 to Midsummer 1833.
12. Account of the Disbursements of the Chamberlain for one year, with Items added by the Town Clerk.

T. F. Ellis, jun.
D. Maude.

REPORT

ON

THE BOROUGH OF YARMOUTH,

(ISLE OF WIGHT.)

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BOROUGH OF YARMOUTH.

1. THE Borough and Parish of Yarmouth are co-extensive; the Castle, it is believed, is not included in either: the whole of the town is within the borough. Limits of the Borough.

2. The first Charter granted to the borough was one by Baldewin de Redvers; it is set out in a roll containing the knight's fees, belonging to the Castle of Carisbrook, and is supposed to have been granted about the time of Henry III. By it Baldewin de Redvers grants to his faithful [burgesses] of Eremuthe all the liberties and free customs, which free burgesses ought to have; and also liberty and quittance of toll, and all other free customs, through all his land, in fairs and markets. Charter of Baldewin de Redvers.

3. A Charter of Edward I., dated 1st April, in the 8th year of his reign, contains an *Inspeximus* of the charter of Baldewin de Redvers, which it confirms. Charter of Edward I.

4. A Charter of Henry VI., dated 1st July, in the 18th year of his reign, sets out the charter of Edward I. by *Inspeximus*, which it confirms, with the advice and consent of the two Houses of Parliament. Charter of Henry VI.

5. A Charter of Edward IV., dated 20th November, in the 6th year of his reign, sets out the charter of Edward I. by *Inspeximus*, which it confirms. Charter of Edward IV.

6. A Charter of Elizabeth, dated 8th February, in the 2d year of her reign, sets out the charter of Henry VI. by *Inspeximus*, which it confirms. Charter of Elizabeth.

7. The last and governing Charter is one by James I., dated 8th September, in the 7th year of his reign. This refers to the four previous charters, and to a petition by the corporation to the King to incorporate them anew. It also refers to a fee farm rent of 20*s.* paid to the Crown by the corporation. It names the first mayor and 12 chief burgesses, the mayor being one of them, and prescribes the future elections of these officers. It vests the whole power of the corporation in these two bodies, and authorizes them to hold such courts as they had been accustomed to do, as well as a view of frankpledge, and to have a common clerk to be steward of the courts. They are to appoint a serjeant at mace. Power is given them to hold a market every week, and a fair of three days continuance once in the year, and to hold lands of the value of 20*l.* per annum. There is a general confirmation of previous liberties, with a reservation of the fee farm rent, and a proviso exempting the Castle out of the corporate jurisdiction. Charter of James I.

8. The Title of the corporation is, "The Mayor and Burgesses of the Borough of Yarmouth in the Isle of Wight." Title of the Corporation.

9. The Officers are, Officers of the Corporation.

Mayor	1
Chief Burgesses	11
Common Clerk and Steward	1
Serjeant at Mace	1

10. There are at present no Free Burgesses. Free Burgesses.

11. The Mayor is elected annually, on the feast of Saint Matthew, by the mayor and chief burgesses out of the latter body: the mayor must be present at this annual election. In the year 1832 the mayor died in July, during his year of office; no new election was come to, until the day of the feast of Saint Matthew: on this day the chief burgesses met and elected a mayor for the purpose merely of presiding at the annual election the same day of a mayor for the succeeding year. It is considered that six chief burgesses at least, exclusive of the mayor, must be present to constitute a valid election: in practice there are never less than seven present. No rotation amongst the chief burgesses is observed. The mayor is not always resident within or near to the borough, although a person is not chosen mayor whose residence is at a great distance. The present mayor is a clergyman, and the rector of the parish, and is resident. Mayor, election of.

A Deputy Mayor seems to have presided as returning officer at an election for Members of Parliament in 1733; how appointed, does not appear. Deputy Mayor.

12. The Chief Burgesses are elected by their own body, including the mayor, out of the free burgesses. It is not thought necessary that a majority of the whole charter number should Chief Burgesses, election of.

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should be present; a majority of the body existing at the time is considered sufficient. The election of persons as chief burgesses has depended entirely upon the wishes of the family, considered to have the patronage of the borough; no instance has occurred for a great number of years of any one being elected without either the previous approval of the representative of this family, or the knowledge by the electors, that the person elected would be agreeable to him. Political opinions have not been so much considered as private friendship, or family connexion with the patron: residence has not been considered necessary. The number has seldom been below 10, including the mayor; at present it is 11: of these, 2 are resident within the borough, other 6 within 10 miles of it, 1 within 15 miles, and 1 in Berkshire. The election is for life. By the charter a power is given to the mayor and greater number of chief burgesses to amove a chief burgess. In 1732, at a meeting consisting of the mayor and three chief burgesses only, a chief burgess was declared to be disburgessed for misbehaviour in not attending courts; a protest by four chief burgesses was afterwards entered in the book against the election of other chief burgesses by this meeting, as being made contrary to the charter, but no notice was taken of the disburgessing.

Common Clerk, election of.

13. The Common Clerk and Steward is elected by the mayor and chief burgesses. By the charter he is to be expert in the laws. The office is during pleasure. The present common clerk is a son of one, and a brother of another, chief burgess. He is in partnership with his father as an attorney, and they and a third partner are the solicitors of the patron of the borough. He was elected in 1828. He resides at Newport; he is not a burgess.

Town Serjeant, election of.

14. The Town Serjeant is elected by the mayor and chief burgesses; he holds his office during pleasure. The present town serjeant is not a burgess.

Free Burgesses, election of.

15. The election of Free Burgesses is by the mayor and chief burgesses: a majority of the latter body is considered necessary. In the year 1710, the elections of several free burgesses were declared to be invalid, because a majority of the whole number of chief burgesses was not present, "an opportunity having been taken when they could not be there." No qualification of inhabitancy seems to have been necessary. In the early entries in the corporation books, commencing at 1710, the elections of free burgesses are very numerous. For many years they have been chosen, whether resident or not, with reference only to the probability of their support of the interest of the patron within the borough. Originally, probably, the possession of a burgage tenement was a necessary qualification for admission into the burgesses: no burgage tenements as such now exist. All persons are elected and sworn as free burgesses, before they are elected chief burgesses.

Fees.

16. A Fee of one guinea is paid to the town clerk on the election of any member into the corporation, as chief burgess or free burgess.

Governing Body.

17. The free burgesses seem never to have taken any part in the affairs of the corporation, nor to have been present at any meetings, except those for the election of Members of Parliament. There are seldom more than two meetings in the year; one for the election, and the other for the swearing in, of the mayor; and at these, any resolutions in the nature of bye-laws, orders for the payment of money, and elections into the corporation, have been made.

Remarks on the Constitution of the Corporation.

18. The functions of the corporation have been for many years very unimportant; the elections into it have been made entirely with reference to the election of Members of Parliament. The chief burgesses have been, many of them, unconnected with the town, and almost all of them have been chosen, from private friendship to, or family connexion with, the patron. No recent elections of free burgesses, except such as were intended for chief burgesses immediately, have taken place, by which the corporation has been reduced almost to the smallest compass, in order, as it is supposed, to prevent any risk of opposition at the elections of Members of Parliament. The effect of this is strongly evidenced by the fact, stated in a return to Government in 1831, that the greatest number of electors, who had polled in any election during 30 years preceding, had been nine.

Mayor, functions of.

19. The Mayor has no Functions beyond those which have been already mentioned: before the passing of the Reform Act he was the returning officer in the election of Members of Parliament.

He has no emoluments or perquisites.

Chief Burgesses, functions of.

20. The Chief Burgesses have no Functions, but such as have been mentioned. They are exempted from certain tolls and dues collected within the borough, which will be noticed in Section 25.

Common Clerk and Steward, functions of.

21. The Common Clerk attends all meetings of the corporation, and enters the proceedings in the book. He also keeps the accounts of the corporation: one of the chief burgesses, resident within the town, usually receives the rents, and pays them over to him: the same person orders any small repairs that may be wanted, for which he is paid by the common clerk, who himself makes any trifling disbursements which he thinks proper, and which he enters in his book: all orders for the outlay of any but small sums are made by the mayor and chief burgesses. There is no regular auditing of the town clerk's book; it is very rarely examined by any of the governing body, and is not signed by any one: the balance at the end of the year is carried on to the following year's account.

The Common Clerk holds the court leet as steward.

His salary is 6*l.* 6*s.* a year: he has also a fee of 1*l.* 1*s.* upon the election of a chief burgess or free burgess.

22. The

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22. The Serjeant at Mace attends all meetings as servant o the corporation: he serves all notices and summonses of the mayor. He has a salary of 1*l.* 1*s.* Serjeants at Mace, functions of.

23. The corporation have not any criminal jurisdiction beyond that of a court leet. The borough is within the jurisdiction of the county justices of the peace. The only courts specified in the charter are the court leet and the court of pie poudre: the latter, if ever held, has now become quite obsolete. The court leet is held every year, on the 18th October, before the common clerk, as steward: the jury are composed chiefly of the small tradespeople of the town. The same persons generally attend as jury every year; no summons is sent to them, they attend the court as a matter of course. An allowance is made to them by the corporation, for a dinner on the court-day: there is no disinclination to serve; if any one of the former jury cannot attend, it is a matter of arrangement amongst themselves who shall supply his place. They present two high constables, two petty constables, and one hayward annually. They also present any encroachments in the borough, nuisances, improper weights and measures. The two former classes of presentment are generally made from the jury's knowledge of them as inhabitants, and not from any inspection, formally made as jurymen: the subjects of these presentments are usually very trifling; intimations of the presentments are given to the persons complained against, and the causes of presentment are by them removed without any resistance. The jury consider themselves sworn into office for a year, and are in the habit of examining the weights and measures four or five times in the year; six or eight of them go round at a time, and on finding any short weights or measures, they seize them, and then collect the whole jury to join in the examination. They occasionally impose fines. Jurisdiction of Corporation.

The two high constables, presented by the court leet, are taken from the principal inhabitants of the town. They usually provide a substitute, and are then not sworn themselves. The petty constables are selected from the smaller tradespeople, or mariners. They have no allowance beyond the usual fees on executing warrants; there is no great objection made to serving. The constables form the only police of the town; they are found to be a sufficient protection. Police.

24. I see no reason for recommending an extension of Jurisdiction. Extension of Jurisdiction.

25. The sources of Revenue to the corporation are, the wharfage dues, the market and fair tolls, rents derived from some land, fee-farm rents and an oyster fishery. Revenue.

The wharfage dues are imposed upon all goods exported or imported by water within the borough. The principal articles imported are coals and iron; the toll upon the former is 1½*d.* the chaldron, upon the latter 6*d.* a ton. A small quantity of corn is exported, upon which the duty is 1*d.* a quarter; upon sand it is 4*d.* a ton, upon ballast 4*d.* a ton. No toll is taken upon fish, although the corporation conceive that they might claim one. Besides these dues, an annual toll of 2*s.* 6*d.* is laid upon each vessel, of about 12 or 15 tons and upwards, belonging to any of the inhabitants of the borough; no higher toll is demanded, whatever be the size of the vessel. I was told by inhabitants, who had lived 30 years in the town, that the dues had not varied within their knowledge. No great discontent seems to have been expressed at them; the lessee of the tolls stated that he often could not get them, but this he considered to have arisen more from the inconvenience of paying, than from a denial of the right of the corporation to exact them, although complaints of the illegality of them have been sometimes expressed. Burgesses are exempt from these dues; the only burgess residing within the town is a coal merchant, and one of the principal inhabitants; he has a brother in partnership with him, who is not a burgess, but the exemption is considered to attach to the firm; nearly 1,000 chaldrons were imported by this firm during the last year. These dues are let on lease at a rent of 21*l.* Wharfage Dues.

The market and fair tolls amount to very little. The only person, who at present pays any market toll, is a butcher; he pays 10*s.* a year, which however seems rather to be in the nature of stallage for his standing in the market than a toll. No other person sells in the market-house. The poultry and butter are hawked about the town, upon which no toll is taken. Fair tolls are taken from any person setting up a stall at the fair; not more than 2*s.* 6*d.* is collected each fair: I was told that no complaints were made of these tolls. Market and Fair Tolls.

The corporation are possessed of about 2½ acres of land, which produces them a rent of 4*l.* 12*s.* 6*d.* There are also several small fee-farm or quit rents, paid to the corporation, in respect of the old burgage tenements, as is supposed; nothing further is known of these properties, than the rents customarily paid upon them; none of them are higher than 8*s.* or 9*s.*; they are called "Town Rents," and amount to 3*l.* 17*s.* 6*d.* Land. Fee-farm Rents.

The oyster fishery is leased for years at a progressive rent, never exceeding 10*l.* This rent does not appear to have been regularly paid. Oyster Fishery.

The average Income for the last four years has been about 30*l.* Average Income.

The uniform Disbursements of the corporation are, the town clerk's salary, 6*l.* 6*s.*; the town serjeant's salary, 1*l.* 1*s.*; allowance to the leet jury for a dinner, 5*l.* 5*s.*; a quit-rent to the Board of Ordnance of 1*l.* The wharfs having been found insufficient, an application was made to the Board of Ordnance in 1829 for a lease of some ground belonging to the Castle and adjoining to the old wharf, which was granted to the corporation at a rent of 1*l.*; this is the last item mentioned above. The corporation had also to pay 30*l.* to the Government for the old materials standing upon the ground. The repairs to the town-hall and wharf average about 6*l.* or 8*l.*, but occasionally larger expenses are necessary, which more than exhaust any balance in hand. In the year 1825 the corporation had to expend 44*l.* 12*s.* 9*d.* in Disbursements.

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repairing the quay and sea wall, injured by a storm. The receipts in that year were 27*l.* 0*s.* 3*d.*, and the expenditure 59*l.* 13*s.* 1*d.* Since that time the balance, up to the end of the year 1830, was always in favour of the town clerk. In the year last mentioned the corporation built a new wharf, on the sites of the old one and of the ground granted by Government, at an expense of above 200*l.* exclusive of the sum paid for the old materials; at the end of this year the balance of expenditure above income was 264*l.*, which sum was presented to the corporation by the patron of the borough. Since that time the corporation have had a balance at the end of the year in their favour: in October 1833 the balance in the hands of the town clerk was 29*l.* 2*s.* 2*d.*

Population and state of the Town.

26. The Population of the borough was,—

In 1801†	343
1811†	427
1821†	564
1831‡	586

The inhabited houses were,—

In 1801†	72
1821†	94
1831‡	104

Little or no alteration has taken place in the state of the town for many years. There is scarcely any trade, and very little either exportation or importation; almost the only articles of import are, coals, which are brought from the north direct, and some iron from Wales, but no more of either than is required for the consumption of the immediate neighbourhood comes to the port: a small quantity of corn is exported. There are some sand quarries, private property, in the neighbourhood: this sand is highly esteemed in the manufacturing of glass, and is exported in large quantities to different parts of the kingdom, but the exportation takes place from the west side of the river, not within the borough. Within the last year or two a few visitors have come to reside within the town during the summer. The town has at various times received great pecuniary assistance from the patron of the borough, which there is reason to apprehend will not be continued to the same extent, now that the borough no longer sends Members to Parliament.

Document sent.

27. I have sent with this Report a Translation of the Governing Charter of James I.

D. Maude.

† Marshall's Statistics, p. 28, No. 1465.*

‡ Census of 1831.

INTRODUCTORY REPORT

ON

THE CINQUE PORTS.

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INTRODUCTORY REPORT ON THE CINQUE PORTS.

Antiquity of the Cinque Ports.

1. The Cinque Ports have existed as an Association from a very early period of English history. The oldest charter, which they now possess, is one of Edward I., and this refers to their privileges in the time of Edward the Confessor and William I., granted by charters, which, the charter of Edward I. states, that King had seen. It is stated in Jeake's Account of the Charters of the Cinque Ports, a book considered to be of good authority, that in one of the records of the town of Rye is a memorandum, that "the Five Ports were enfranchised in the time of King Edward the Confessor."

Enumeration of the Cinque Ports.

2. The Five Ports, are,—

Hastings,
Romney,
Hithe,
Dover, and
Sandwich.

To these were added, in very early times, what were called the ancient towns of

Winchelsea and
Rye,

to which all the privileges of the Cinque Ports were given.

Members.

Each of the above Ports, as also the town of Rye, has one or more ports or towns, Members of it. Some of the Members are corporate towns, others not. The nature of the connexion between the Ports and their Members will be afterwards mentioned. The only charter, in which the Ports and their Members are enumerated, is that of Charles II. In it the corporate towns are distinguished from those which have no corporation, by the latter being designated as towns or places. The following is the enumeration of the Members, according to the charter:

Members of	Hastings,	Corporate,	Pevensey,	Sussex.
			Seaford,	
		Not Corporate,	Bulverhithe,	Sussex.
			Petit Itham,	
			Hidney,	
			Beaksbourne,	Kent.
			Grange,	
	Romney,	Corporate,	Lydd.	Kent.
		Not Corporate,	Promehill,	Sussex and Kent.
			Old Romney,	
			Dengemarsh,	
			Oswardstone, or	
			Orwelstone,	
	Hithe,	Not Corporate,	Westhithe,	
	Dover,	Corporate,	Folkstone,	Kent.
			Faversham,	
		Not Corporate,	Margate,	Kent.
			St. John's,	
			Goresend,	
			Birchington Wood, or	
			Woodchurch,	
			St. Peter's,	
			Kingsdowne,	
			Ringwould,	
	Sandwich,	Corporate,	Fordwich,	Kent.
			Deal,	
		Not Corporate,	Walmer,	Kent.
			Ramsgate,	
			Stoner,	
			Sarr,	
			Brightlingsea,	
	Rye,	Corporate,	Tenterden,	Kent.

Introductory Report. Deal is given in the charter as an unincorporated town. It was first incorporated by William III., and has been therefore classed amongst the corporate Members, but its connexion with Sandwich is different from that of other Members with their principal Ports, as will be afterwards noticed.

Consideration for their Privileges. 3. Until the time of Henry VII. the Crown seems to have had no permanent navy. The Cinque Ports, until then, had always furnished nearly the whole of the shipping required for the purposes of the State, and their assistance to the King's ships continued long after that time. When ships were wanted, the King issued his summons to the Ports to provide their quota. The number which they were bound to provide in the time of Edward I. was 57, fully equipped, and at their own cost; the period of service however was limited to 15 days. The summons in the time of Edward III. seems to have apportioned the ships amongst the Ports and Members. Some of the Members had to provide one ship; in some cases two Members had to provide one ship between them. In consideration for these services many very valuable privileges and franchises were granted to them by different Kings, which are specified in the following charters.

Charters. 4. The last Charter granted to the Cinque Ports was by Charles II., in which are set out several previous ones. I was unable to ascertain whether any others exit, the Corporation of Romney having refused the Commissioners access to their muniments, and amongst them are supposed to be lodged all the archives and records of the Cinque Ports.

The following are the dates of the Charters mentioned in that of Charles II., as also the date of that:—

17th June - -	6th Edward I.
28th April - -	26th Edward I.
28th April - -	26th Edward I.
26th July - -	7th Edward II.
25th February -	1st Edward III.
26th February -	2d Edward III.
1st July - -	38th Edward III.
22d January -	1st Richard II.
23d March - -	5th Edward IV.
13th December -	3d Henry VII.
5th March - -	1st Henry VIII.
20th November -	2d Edward VI.
27th October -	1st Mary.
8th March - -	1st Elizabeth.
22d January -	43d Elizabeth.
30th January -	2d James I.
16th June - -	10th Charles I.
23d December -	20th Charles II.

Charters of Confirmation only. 5. The Charters of Edward II., Richard II., Henry VII., Henry VIII., Edward VI., Mary, and the first Charter of Elizabeth, are merely confirmations of previous Charters. The Charters of Charles I. and James I. are not set out; the *inspeximus* clause and the attestation only are given.

1st Charter of Edward I. 6. The first Charter of Edward I. grants to the Cinque Ports "all their liberties and freedoms, so that they may be quit of all toll and of all custom, namely, of all lastage, tallage, passage, carriage, rivage, ponsage, and from all wreck, and of all their selling, buying and re-buying throughout all our land and dominion, with soc and sac, and thol and them; and that they may be wreck free and wit free, lastage free and lovecope free." They were to have den and stronde at Great Yarmouth, according to an ordinance which the King had made. They were to be quit of shires and hundreds, with the privilege of not being compellable to plead otherwise than they had been accustomed in the time of Henry II. They were to have their findalls in sea and land, and to be quit of all their goods and merchandize, as the King's freemen. They were to have their honours in the King's court, and their liberties through his land, wherever they should go. With respect to all their lands, which they possessed in the time of Henry II., they were to be free from common summonses before the Justices itinerant, whatever county the lands might be in, except one of the Barons should be a party in the suit. They were not to be impleaded any where but at Shepway. There is then a confirmation of all previous liberties, as they had them in the times of Edward the Confessor, William I. and II., Henry II., Richard I., John, and Henry III., by charters which the King had seen. There is then a proviso, that, in case of the Barons failing to do justice, the Warden of the Cinque Ports should enter to do justice; and a further proviso, that the Barons should do their full service to the Crown of 57 ships, at the King's summons. They were to have utfangthef in their lands within the Ports, in the same manner as the archbishops and other lords had in their manors in the county of Kent. They were not to be put upon assizes, juries or recognitions, against their will, by reason of foreign tenure. They were to be free from prisage of wine by the King. The Crown was not to have the wardships or marriages of their heirs in respect of any lands within the Ports, of which the Crown had not in times past had it. There is a saving to the Crown of the pleas of the Crown, life and members.

Many of the above privileges were very valuable at the time they were granted, but have now become nominal, in consequence of the various exactions and restrictions to which they refer having long since been abolished. The toll, custom, lastage, passage, carriage, rivage and ponsage, seem to have been various dues, which were taken in towns or markets, for the privilege

privilege of entering to trade, or of anchoring ships, passing the bridge, and others of a similar nature. The tallage was probably the taxes or subsidies, such as the tenths and fifteenths, which the Crown was authorized to levy. The freedom from wreck gave them the recovery of such of their ships as, by being wrecked, would have belonged to the Crown. Introductory Report.

Yarmouth, in Norfolk, seems to have been a place of great resort, for the sailors and fishermen of the ports of the South of England, during the herring season. By the ordinance of Edward I., referred to in the charter, it would seem, that constant disputes were taking place between the Cinque Ports fishermen and the inhabitants of Yarmouth. Den and strond was the liberty of drying their nets and landing their fish upon the shore. It is stated in Jeake's Account, referred to before, that Den signifies a low place, and that certain marshes at Yarmouth, where the fishermen used to dry their nets, were, in his time, called the Dennes. The ordinance directs the inhabitants to clear den and strond of old timber during the fair, in order that the Barons might not be inconvenienced in drying their nets. There are several regulations relating to the fair. These disputes between the Cinque Ports freemen and the inhabitants of Yarmouth were going on in the time of Edward III., who published several ordinances. The establishment at Yarmouth seems to have been of such importance, that the Cinque Ports used to appoint bailiffs to reside there, who, with the bailiff of Yarmouth, had the keeping of the peace and the care of the prison during the fair, with the power of determining all disputes and complaints. One matter of dispute was the precedence of the bailiffs of the town and those of the Ports; this seems to have been settled, in the time of Elizabeth, by the award of some of the Judges and other commissioners, directing, that the bailiffs of the town were to have "pre-nomination" one year, and the Ports' bailiffs the next, and so on.

The exemption from county and hundred courts exists at the present time, as well as that from having to serve on county juries.

7. The 2d and 3d Charters of Edward I. contain little, except confirmation of previous grants. In the former of them there is a grant, "that of their lawful goods and merchandizes, which they shall happen to buy in Ireland, no man be partner, or partake with them, against their will." In the latter, the consideration for all their privileges is stated to be, the great expense they are put to in providing ships. 2d & 3d Charters of Edward I.

8. The first two Charters of Edward III. are merely confirmations of the grants mentioned in the Charters of Edward II. and Edward I. The 3d Charter refers to dissensions, which had arisen upon the construction of certain words in the 3d Charter of Edward I., "that every of them should contribute;" it then, "by the advice of the Prelates, Earls and Barons, and of the Commonalty, in the present Parliament called together," enacts, that all persons of the Ports, who call themselves of their liberty, and wish to enjoy it, shall contribute to the shipping, and to this "by the Mayors and Jurats of the Ports, and also by the Constable of Dover Castle, if need be, they may be duly compelled." This is the earliest charter in which the mayors and jurats are mentioned. Charters of Edward III.

9. The Charter of Edward IV. grants to the Ports exemption from several kinds of toll, such as pannage, portage, kaiage, murage, passage, lastage, stallage, tallage, carriage, peisage, picage, terrage, and scot and gild, hidage, scutage, and of suits of counties and hundreds and lathes of hundreds, views of frank-pledge, and of the pennies belonging to views of frank-pledge and of fines for murder, and of common amerciament. They are to have waifs and estrays, and treasure-trove, within the Ports, and the chattels of felons and outlaws, and fines for escapes, and the chattels, by whatever means confiscate, of the Barons and other residents. They are to have wreck of the sea and waifs. The mayor and jurats, or bailiffs and jurats, or the jurats, where there is no mayor or bailiff, are to have all fines for various offences specified, and fines for license of concord, and all amerciaments and penalties, year, day, waste, strepe, and all things belonging to them, of all the freemen and residents, in all courts, within or without the Ports and Members. The Barons are to have stocks and a pillory and gallows, and leets and law days, and all findalls without any partition by the Crown. The mayor and jurats, bailiff and jurats, or jurats, are to hold pleas in the court of every Port or Member, by plaint to be levied before them, of all actions, real, personal and mixed, arising within the Port or Member, by sea or land, with power of attachment of the body. The Lord Warden is not to intermeddle, except in failure of justice. The same officers are to hold pleas of the Crown arising within the jurisdiction, treasons being excepted, which are to be tried at Shepway before the Warden, calling to him the mayor, bailiffs and jurats. The Barons and "other good men" are not to be arrested for any sea service, except their own. They are not to be made assessors or collectors of taxes or subsidies. All inquisitions, to be taken before the Constable of the Castle, Warden or Admiral of the Cinque Ports, are to be held in the Ports or Members, in which those of the Ports and Members, by whom the inquisitions are to be taken, are residing. Charter of Edward IV.

Some of the tolls first mentioned in this charter, are of the same kind as those in the charter of Edward I., and relate to the anchoring of their ships, or the fair and market tolls taken in towns and manors. Scot was the rate imposed upon the inhabitants, according to their ability; and hidage seems to have been an impost of the same kind upon the land. The charter of Edward I. exempted the wrecks of vessels belonging to the Ports from the King's claim, and the present charter gives them the property of all wrecks of vessels, not belonging to the Ports, if found within their jurisdiction.

Introductory Report.

2d Charter of Elizabeth.

10. The second Charter of Elizabeth sets out a power of attorney, given by the Cinque Ports to two of their body, in the time of Henry VII., to enter into a bond for them to the Court of Exchequer. It states, that that King had granted them an allowance not exceeding 500 *l.* out of every subsidy of a fifteenth or tenth granted to him. The collectors were to be allowed this deduction, on producing certificates from any of the Ports or Members to this amount. The penalty of the bond was 1,000 marks, to be forfeited in case of their giving certificates for more than 500 *l.* The charter of Elizabeth makes the same grant.

Charter of Charles II.

11. The Charter of Charles II. enumerates all the Ports and Members, as given in Section 2. It then adverts to all the previous liberties enjoyed by the Cinque Ports, and to their service of ships, and other good service which the Barons had done to the King at his inauguration to the Crown, as also in times past to his progenitors, Kings and Queens of England, at their coronations, from time out of memory, and which they ought to do to his successors. It then confirms all their privileges, not afterwards revoked or changed by the charter. It then grants to the corporations of each of the Ports and corporate Members, a Court of Record, to be held before the mayor and jurats, or bailiff and jurats, in those places in which there was a bailiff and not a mayor, or before the jurats, where there was neither mayor nor bailiff, or before the mayor of Faversham, on the customary days, for all pleas, real, personal and mixed, arising within any of the said Ports or its Members, or the town of Faversham. Appearance is to be enforced by summons, attachment or distress, directed to the Serjeants at Mace of the corporation. The same power of execution is given as was sanctioned by the Law of England in any of the King's Courts, or by the custom of any of the Ports. The corporation were to have all fines and amerciaments arising in the court. The mayor and jurats of every Port, and of each of the ancient Towns and Members, or the bailiff and jurats, where the bailiff is elected by the commonalty, are to be justices of the peace within the Port, ancient Town or Member, and its members, places, and precincts. Two or more of the justices, the mayor or his deputy being one, are to inquire of felonies, murders, trespasses, and other offences mentioned, or of any other crimes, which the justices of the Cinque Ports, or of any county, might inquire of, and to punish them according to law. Power is given to the same persons to deliver the gaols. There is a *non intromittent* clause, as to the county justices, the King's Justices of Oyer and Terminer, the sheriff, under-sheriff, coroner, escheator, and any other officer of the Crown, of the counties of Kent, Sussex or Essex. The corporations are to have all fines issuing out of the court. There is a clause requiring the mayors, bailiffs and jurats to take such oaths, before admission to office, as shall be ordained by the corporations. The mayor or bailiff, in case of sickness or absence for reasonable cause, may appoint a deputy, who shall, on every such occasion during the time of office of that mayor or bailiff, act as the deputy. Power is given to the corporation to assess reasonable taxes and scot upon themselves, and all other inhabitants and residents, and to levy the same by distress or imprisonment. There is a proviso that the charter shall not extend to confirm or ratify a charter granted by Henry VI. to the mayor, barons, and commonalty, of the town of Faversham, and dated the 28th November, in the 25th year of his reign. The mayors, bailiffs, jurats and all the officers, are to take the oaths of allegiance and supremacy. In all future elections of recorders and common clerks, the disapprobation of the Crown, signified to the corporation, is to make the election void, and the corporation are to elect another person.

Privileges at present exercised.

12. Many of the privileges set out in the Charters are, at the present day, of little value. The freedom from toll and dues seems to be recognized at several Ports; at others, the claim to this exemption has not been allowed, at all events, without an extract from the charter, certified by the corporation, and a certificate from the same body, that the person claiming the privilege was a freeman. The only other privileges, which the freemen of the Cinque Ports seem now to enjoy, and both of which all the inhabitants of the Cinque Ports have in common with them, are the exemption from serving on county juries by reason of property out of the liberties, and that from service in the Militia.

The inhabitants of Deal, Dover, and the Isle of Thanet, if masters or mates of vessels, are not obliged to take licensed pilots for the Thames and Medway rivers; but this privilege is given them by a recent Act, 6 Geo. IV., c. 125.

Connexion between the Ports and their Members.

13. In very early times all the Members may probably have been in some measure dependent upon, or subject to, their respective Ports. At present there is no connexion between any Port and such of its Members as have been incorporated, beyond that which exists amongst all the Ports, excepting only the connexion between Sandwich and Deal. Each incorporated Member has within its Liberty the same jurisdiction and municipal functions as the Port of which it is a Member, and the latter has no power or right of interference within it. The Members, however, which have not been incorporated, are under the municipal jurisdiction of their respective Ports: they are within the jurisdiction of the criminal and civil courts, and of the magistrates and coroners of those Ports; they are summoned on the juries, and contribute to the rates, in the nature of county rates, imposed by the justices of those Ports. None of the rights of citizenship, however, can be acquired in the Members, nor have they any share in the election of any of the officers of their respective Ports. Residence within them is not considered as residence within the Port for any corporate purpose. The relation of Sandwich and Deal is different from that of any others. Deal was incorporated by William III., before which time it was exclusively under the jurisdiction of Sandwich. The Charter of William gives Deal a jurisdiction of its own, but does not interfere with the original jurisdiction of Sandwich, so that the latter has a concurrent jurisdiction. Reference may be made to the Reports on those two places for an account of the exercise of this jurisdiction.

There

There seems to be a difference of construction in the different Ports and corporate Towns, as to the right which the freemen of one Town have to exemption from toll, and to the privilege of trading, in the other Ports and Towns. At Faversham, the corporation consider the freemen of any other Port or Town to possess the same local privileges in those respects as their own freemen; but this construction seems not to be recognized in the other Ports and Members. Introductory Report.

14. The jurisdiction of the Cinque Ports extends along the coast continuously from Birchington, which is to the North-East of Margate, to Seaford in Sussex. But several of the corporate Members are quite inland; some of them may have originally been on the coast, and have been left by the sea. Others, as, for instance, Fordwich, have been always inland towns, but situated on the bank of important navigable rivers. Tenterden is in the centre of a rich agricultural district, and has no river near it. Many of the unincorporated Members are not only inland, and detached from their respective Ports, but are situated at great distances from them. The parish of Beaksbourne, near Canterbury, is a Member of Hastings, from which it is distant about 48 miles. The Ville of Grange, or Grenche, near Rochester, is a Member of the same Port, and distant from it about 30 miles. The large and increasing town of Margate is about 21 miles distant from Dover, of which it is a Member. There are other instances, which are mentioned in the Reports on the corporate towns to which they relate. Relative local situation of the Ports and Members.

Before the passing of the Act 51 Geo. III. c. 36, noticed in the following Section, all the unincorporated Members were exclusively under the jurisdiction of their own Ports. Each Member was obliged to have recourse on all occasions to the justices and coroner of its own Port. Considerable inconvenience must have been experienced from this state of things, particularly in those towns where the distance from the principal Port is considerable, as in the instances given above. The Act has in some measure remedied this, but the inconvenience and expense, arising from the coroner's living at such a distance from parts within his jurisdiction, still remain. The number of inquests at Margate is much greater than that at Dover, yet the mayor of the latter place is the only person who can hold inquests at Margate. The inconvenience of this will be referred to in the Report on Dover, Section 19. By the Act above referred to, the parishes of Brightlingsea, Beaksbourne and Grange have been put under the jurisdiction of the magistrates and coroners of the counties, within which they are locally situated, and with respect to them the inconvenience adverted to no longer exists. Under the Act, Justices of the Peace for all the Cinque Ports liberties are appointed, but the power of granting publicans' licenses is specifically withheld from them. The consequence is that either the publicans or the magistrates may have to travel a considerable distance, for the mere purpose of obtaining or granting the licenses. The Ramsgate publicans apply at Sandwich for their licenses, but the Dover Justices go over to Margate to license the publicans of that town, and it was stated, that the latter paid the travelling expenses of the Justices and provided a dinner for them, as will be mentioned in the Report on Dover, Section 46. It is not easy to see what advantage was contemplated in withholding the power of licensing from the Cinque Ports Justices. The latter might be expected to be better acquainted with the necessity for public-houses and with the conduct and character of the parties applying, from residing and acting in the district, than the mayor and jurats of the distant Port, who are not called upon to act in it on any other occasion. Inconvenience arising.

15. For all, except one or two municipal purposes, each of the Cinque Ports and corporate Towns possesses all the jurisdiction and arrangements of a separate county. For no purpose whatever are they connected with any county, except so far as the Act 51 Geo. III. c. 36. has placed three of the unincorporated Members under the county jurisdiction. Each Port and corporate Town has its court of gaol delivery, with jurisdiction, excepting that of Deal, over capital felonies. The criminal jurisdiction of Deal is limited to the offences usually cognizable at county sessions; but Sandwich has a concurrent jurisdiction, which extends to capital offences. No assizes are held by the Judges within the liberties of the Cinque Ports, but capital offences, which are likely to be followed by executions, are generally sent for trial at the assizes of the adjoining county, under the provisions of the recent Acts of Parliament. Each Port and corporate Town has also its rate, in the nature of, and for the purposes of, a county rate, and its Civil Court of Record. By the Act 51 Geo. III. c. 36. some important alterations were made as to the administration of justice in the unincorporated Members. This Act, after reciting that many inconveniences had arisen from the non-residence of the justices in or near several of the Members, and which were adverted to in the preceding section, empowers the King to appoint Justices of the Peace for the Cinque Ports and their Liberties. The jurisdiction of these justices, however, is not to extend to the granting of publicans' licenses, or to the exercise of any authority within the Five Ports, or any of the incorporated Towns. Jurisdiction is given to the justices and coroners of Essex within Brightlingsea, and to the justices and coroners of Kent within Beaksbourne and Grange, from which the granting of licenses is not excepted. The Cinque Ports justices commit to the gaol of the Port, within the liberties of which the offence was committed, except in the cases of the above three parishes, in which the committal is to be to the gaol of the county within the jurisdiction of which the particular parish has been brought. The county coroner is to be paid out of the poor rate of each parish at the same rate at which he is paid in the county. These parishes are also to pay out of their respective poor rates double the sum expended in the maintenance of the prisoners committed from them, to be determined by the county magistrates at the quarter sessions; this is in lieu of any contribution to the county rate. The parishes are not to be exempt from their contribution to the liberty rate made in Nature of the Jurisdiction of the Cinque Ports.

Introductory Report.

their respective Ports, except for so much as is intended for the sustentation or repair of the Hastings and Sandwich gaols. , The Lord Warden appoints the Justices in the Commission of the Peace for the Cinque Ports, in the same manner as the custos rotulorum of a county. Most of the duties, analogous to those of a sheriff of a county, are exercised separately and exclusively in each of the corporate towns. There is one important branch of a sheriff's jurisdiction which is exercised by the Lord Warden, and extends over all the Cinque Ports and Members. This is the execution of writs and the custody of debtors. All writs out of the superior courts are directed to the Constable of Dover Castle, who is always the Lord Warden, upon which his warrant is made out, directed to, and executed by, an officer called the Bodar. This officer has also the execution of writs out of the Court of Record at Hastings, and the necessity for having recourse to him seems to have created some dissatisfaction in that town, as will be mentioned in the Report on Hastings. The clerk of Dover Castle exercises the duties of under-sheriff. By a Return made by him to a Committee of the House of Commons, on Cinque Port Pilots, in 1833, it appears that his emoluments from this office, in the seven years from 1826 to 1832, both inclusive, were as follows:—For warrants granted on writs from the superior courts, poundage on levies, and other lawful fees due to him as such clerk, 1,737 *l.* 15 *s.* 8 *d.*; for professional charges, 1,068 *l.* 11 *s.* 7 *d.*; for appointments, 77 *l.* 17 *s.* 6 *d.* The Constable's gaol for debtors is within Dover Castle. By an Act, 54 Geo. III. c. 97., provision is made for the maintenance of these debtors by an annual contribution of 300 *l.*, to be levied upon the Cinque Ports and Members. The Act gives the apportionment of each Port and corporate Town, which is to be paid out of the liberty rate, if there be one; if there be not, the mayor or bailiff is empowered to assess a rate, in the manner specified, for raising the requisite sum. The Warden has power to diminish the sum, if he think it more than necessary, and to increase it again. The money is paid over to the Registrar of the Cinque Ports, who is at present the same person as the clerk of Dover Castle.

Cinque Ports Courts.

There seem to have been in ancient times several Courts, of jurisdiction extending over all the Ports and Members, and intended either as courts of appeal for persons who considered themselves injured by any of the separate and local tribunals of the different Ports, or as courts for deciding controversies between the Ports and Members, as well as for regulating the general affairs of the whole association. The most celebrated of these courts were the Court of Shepway, the Court of Brotherhood, and the Court of Guestling. The first of these has been obsolete so long, that even the site of it is now unknown; the two last have been occasionally held of late years, but their functions seem to have dwindled into mere matters of form. The records relating to the Cinque Ports generally are kept at Romney, which was not visited, as the corporation refused all assistance to the Commission, and as it was understood that the inhabitants were equally indisposed towards it, from feelings of discontent at the disfranchisement of the town by the Reform Act. One of the members of the corporation of Dover is joint solicitor to the Cinque Ports, with the town clerk of Romney; but that corporation refused all information, and as very little is known in any of the other towns as to the constitution and proceedings of the general association of the Cinque Ports, I am unable to furnish any accurate account of the modern proceedings of these courts.

The Court of Shepway.

The Court of Shepway was the supreme court of the Cinque Ports. The Lord Warden presided at it, and was assisted by the mayors and bailiffs, and a certain number of jurats, summoned from each Port and corporate Town. The following offences seem to have been cognizable by this court only:—treason, sedition against the King or Queen, counterfeiting the coin or seal of the King, and concealing treasure found. Appeals from the judgments of the separate local courts might be made to it, and notice of the holding of the court seems to have been sent to Yarmouth, in order that the inhabitants of that place might have the opportunity of making complaints against the bailiffs sent them by the Cinque Ports.

Courts of Brotherhood and Guestling.

The functions of the Courts of Brotherhood and Guestling seem to have been nearly the same. The former is composed of the mayors of the Five Ports and two ancient Towns, and a certain number of jurats from each of them; the latter is constituted of the same persons, with the addition of the mayors and bailiffs of all the corporate Members, and a certain number of jurats from each of them. The latter bodies may originally have been merely invited by the Court of Brotherhood to give their assistance, and thus the assembly may have received the name of Guestling. The chairman of the court is called the Speaker, and this office is filled in rotation by the mayors of the Five Ports and two Towns, a year each. The Speaker sends a letter every year to each of the corporate Towns composing the two courts, asking for their opinion as to the expediency of holding either of the courts. If a majority answer in the affirmative, the court is convened by the Speaker. One of the most important functions of the Court of Brotherhood was, in old times, the appointment of the bailiffs to Yarmouth, and the examination of their conduct while in that office. In this court, also, the arrangements and regulations were made as to the apportionment of the burden of providing ships, and the division of the allowance of 300 *l.* mentioned in the second Charter of Elizabeth, section 10. Assessments also were made by the courts upon all the Ports and Members for defraying the general expenses of the association. All disputes and controversies between any of the Ports, Towns or Members, were settled at these courts, and complaints of injustice or irregularities by the mayors or other officers of them were inquired into and redressed. The necessity for proceedings of this kind no longer exists; and although the courts have been occasionally held of late years, I am not aware that they have been for any purpose but that of keeping up the form of old customs. Exception ought probably to be made of the Courts of Brotherhood and Guestling held before the coronations of the Kings, at which the arrangements have been made respecting the privileges of the Barons to take part

part in these ceremonies. Some of the estreats and fines received at the general sessions, held in the different Ports and Towns, are paid to the solicitors of the Cinque Ports, to be disposed of by the Court of Guestling; but I am unable to say how much they average in a year, and to what purposes they are applied. Introductory Report.

The Cinque Ports have an Admiralty jurisdiction, but the corporations have no interference whatever with it. The Lord Warden is the admiral. Court of Admiralty.

There is a court called the Court of Lodemanage, which seems to be a branch of the Admiralty jurisdiction. The objects of the court are the licensing and regulation of pilots. It is held by the Lord Warden, and a number of commissioners. The mayors of Dover and Sandwich are officially commissioners, but any inquiry into the construction and proceedings of this court seemed not to be within the scope of the Commission. Court of Lodemanage.

The Lord Warden seems in ancient times to have held a Court of Chancery in one of the churches at Dover, but it was not known what the province of this court was. It has long been obsolete. Court of Chancery.

D. Maude.

REPORT

ON

THE BOROUGH OF DEAL.

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BOROUGH OF DEAL.

1. THE jurisdiction of the corporation of Deal is co-extensive with the parish of Deal. This comprehends what are called Upper Deal, Middle Deal and Lower Deal. The latter is the old town, and contains the great mass of population. Limits of the Town.

2. The town of Deal was incorporated by William 3, who granted a charter, bearing date the 13th of October, in the 11th year of his reign. This charter, after the usual clauses of incorporation, appoints the first mayor, jurats and other officers, and prescribes the future elections of them in the manner at present adopted. The mayor and recorder are to be justices of the peace, as are also the deputy mayor and deputy recorder while acting as such. The charter also appoints five of the jurats justices for life, and directs the mayor and jurats, upon the death or amoval of any of them, to elect other jurats into the vacancies. There is the usual jurisdiction of county justices given, with power to hold a general session twice in the year, or oftener, with a *non intromittent* clause as to county justices. A court of record, for personal and mixed actions, to the amount of 100 *l.*, is appointed to be held every week before the mayor, recorder, or his deputy, and the jurats, or any three of them, the mayor and recorder being two. There is a power of attachment given to compel appearance, and, in defect of goods, a power of arrest. There is a grant of a prison. The mayor is to be coroner and clerk of the market; he is to appoint two serjeants at mace. There is a grant of a market twice in the week, and of two fairs in the year, with a Court of Pie Poudre. The mayor, jurats and commonalty are to have power to make constitutions and bye-laws. The other provisions of the charter will appear in the account of the present practice. Charter of William 3.

3. The Title of the Corporation is "The mayor, jurats and commonalty of the town of Deal, in the county of Kent." Title of Corporation.

4. The Officers appointed by the corporation are— Officers.

Mayor	1
Recorder	1
Jurats	12
Common Council	24
Town clerk	1
Serjeant at Mace	1
Gaoler	1
Crier	1
Receiver of Returns	1
Coal Porters	48
Coal Meters	4
Constables	indefinite.

5. There are 285 resident Freemen, and, as nearly as can be ascertained, 84 non-resident. Freemen.

6. The Mayor is elected annually out of the jurats, in the following manner: The mayor and jurats put in nomination two jurats, and the whole body, including the freemen, elect one of them. This mode of election is prescribed by the charter. In practice, the mayor for the time being is always one of the persons nominated, and the jurat, whose turn it is to serve the office of mayor, is the other. The mode of selection is by the mayor and each of the jurats writing upon paper the names of the two persons they wish to be put in nomination. The practice of putting the mayor in nomination has existed for many years. When any new jurat was elected, and all the other jurats had served the office of mayor, it used to be customary to put the former in nomination on the first opportunity. As, however, the trouble attendant on the office of mayor was thought to prevent persons from allowing themselves to be elected jurats, an understanding was come to in 1833, that the jurats should be put in nomination by rotation as they stood on the list, without reference to the number of times they had served the office of mayor. This was thought advisable also, as enabling persons to become acquainted with the duties of a magistrate, before they were called upon for any active discharge of them. After the persons have been put in nomination by the mayor and jurats, the town clerk declares the names, and then reads over the list of all the members of the corporation, including the freemen. Each person present, on his name being called, states for whom he votes. Only one real contest was remembered to have taken place. Almost every one, as a matter of course, votes for the jurat not in office at the time. It was thought that about 100 freemen usually attend this election. The present mayor has served the office three times before the present year. He was elected jurat in 1807. Mayor, election of.

7. The charter directs, that, as often as the Mayor shall be ill, or shall go out of the town, it shall be lawful for him to appoint a Deputy, to continue in office during such illness or absence from the town. It is customary, however, for the mayor, on being sworn into office, to nominate a deputy for the year, who is entered and sworn as such at the time. Deputy Mayor, appointment of.

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Recorder, election of.

8. The Recorder is elected by the mayor and jurats. The charter requires that he shall be a barrister of three years standing. The present recorder was elected in 1822; he is a chancery barrister and King's counsel, residing in London.

Deputy Recorder, appointment of.

9. The charter gives the recorder power of appointing a Deputy, in case of illness or reasonable absence from the town; but this is never acted upon.

Jurats, election of.

10. The Jurats are elected out of the common council by the mayor, jurats and common council. A meeting of these bodies is called a common assembly. It is not thought necessary that a majority of each body should be present; a majority of the aggregate number of members is considered to be sufficient. A bye-law, made about 20 years ago, requires that a person be proposed and seconded at one common assembly, and that he be balloted for at the following one. Any member of the assembly may propose a candidate at any time, when there is a vacancy. The election is by secret ballot. Within the last few years, there has been great difficulty in getting persons to come into the corporation. The only reasons assigned for this are, the trouble, which the office of mayor occasions, and the unpopularity, which the discharge of the duties of a magistrate frequently produces, and which, it was thought, might be injurious to a magistrate who was in trade. The office of mayor or jurat is one merely of trouble, the corporation having little or no emolument or patronage of any kind. The expenses, attending the office of mayor or jurat, are but trifling; but they may form some consideration with the class of persons, who might be expected to wish for admission into the corporation. There were five vacancies in the jurats in 1833, which were all filled up in one day in April of that year. The appointment of the Committee by the House of Commons, for inquiring into the state of corporations, was no doubt the cause of these elections. The governing body was at that time able to induce persons to allow themselves to be elected; but there is no reason for disbelieving, that they would before this have elected any fit persons who would have offered themselves. Only one instance was known of a person not having been elected, after he had been proposed. Political opinions do not seem to have been considered in the election of jurats; the present jurats are considered not to be of the same political party. There are no dissenters amongst them. The town clerk stated, that the appointment of Chapelwardens to a Chapel of Ease, which is made by the governing body, would be a reason for not electing dissenters; but the case seems never to have arisen; and the mayor stated that he did not think any objection would be made to their election. All the jurats are resident; if a jurat cease to reside, his vacancy is declared.

Common Council, election of.

11. The Common Council are elected out of the freemen by the mayor, jurats and common council. The bye-law, mentioned in the preceding section, as to the proposal and ballot, extends to the election of common councilmen. All the remarks made in the preceding section, as to the election of jurats, apply to that of the common council, except that the disinclination to come into that body is not so great as it is to become jurat, on account of there not being so much trouble attendant on the office. Non-residents are compelled to vacate their office.

Town Clerk, election of.

12. The Town Clerk is elected by the mayor, jurats and common council, to continue in office during their pleasure. He is always an attorney. The present town clerk was elected in 1821. He is an attorney practising in the town, but resides at Walmer. After he became town clerk, he was elected into the common council, but vacated this office on ceasing to reside within the town.

Serjeant at Mace, appointment of.

13. The Serjeant at Mace is appointed annually by the mayor. The same person is always reappointed. The present serjeant is a freeman. He was first appointed in 1801. He is also gaoler, crier and receiver of returns.

Gaoler, appointment of.

14. The Gaoler is appointed by the mayor, jurats and common council, to hold office during pleasure. The present gaoler is serjeant at mace, and was appointed to both offices in 1801.

Crier, appointment of.

15. The Crier is appointed in the same manner as the gaoler. The serjeant at mace is the present crier.

Receiver of Returns, appointment of.

16. The Receiver of Returns is appointed by the justices during pleasure. The present receiver was appointed seven or eight years ago, and is serjeant at mace, gaoler and crier.

Coal Porters, appointment of.

17. The Coal Porters are appointed by the mayor, jurats and common council, during pleasure. None but freemen are ever appointed. They are sworn on appointment.

Coal Meters, appointment of.

18. The Coal Meters are appointed in the same manner as the coal porters, four of whom are in practice appointed.

Fees on admission into Office.

19. Each common councilman, on Admission into Office, pays a fee to the corporation of 3*l.* 3*s.*; each jurat pays 4*l.* 4*s.* The coal porters used to pay to the corporation 1*l.* each on admission; this payment was abolished about two years ago by the governing body.

Fines.

20. The charter imposes Fines upon persons refusing to accept the office of mayor or jurat, but these have not been exacted within the memory of any one.

Freemen, admission of.

21. The Freedom may be acquired by birth, marriage, apprenticeship, purchase or gift.

By Birth.

Every son of a freeman, born within the parish after his father has become free, is entitled to his freedom. There have been 13 freemen of this class admitted within the last 10 years.

By Marriage.

Every person who has married a freeman's daughter, born within the parish after her father became free, is entitled to his freedom. The husband must be an inhabitant within the

DEAL.

the parish at the time of admission. The wife need not be 21 years' old. The husband keeps his freedom on the death of the wife. She may enfranchise other husbands. There have been five freemen of this class admitted within the last 10 years.

By Apprenticeship.

A seven years' apprenticeship to a freeman, resident within the parish, entitles a person to his freedom. If the master be carrying on trade within the parish, the service of the apprentice for any period out of the parish will not prevent the freedom. Parish apprentices gain settlements in the same manner; but the town clerk stated that they were generally bound to persons out of the parish, in order to prevent them gaining a settlement in it. It is not necessary that the indentures should be enrolled, but it is generally done. The town clerk usually draws the indentures, in which case he makes no charge for enrolling; in other cases his fee is 2*s.* 6*d.* Service to the widow of the master, after his death, would not entitle the apprentice to his freedom; but it was thought that, in such a case, it would be given. There has been only one freeman by apprenticeship admitted within the last 10 years.

By Purchase.

The freedom may be obtained by paying 5*l.* to the corporation as Purchase-money. The sum, for a few years after the granting of the charter, seems to have been 10*l.*, but has always in more recent times been 5*l.* A few years ago, a bye-law existed, that if persons paid a sum of 10*l.* instead of 5*l.*, their children, born before the admission, should be admitted to their freedom. Very few persons availed themselves of this. 25 freemen by purchase have been admitted within the last 10 years.

By Gift.

The freedom has sometimes been given as a compliment. There was a bye-law in 1708, that the mayor, three jurats and four common councilmen might present the freedom to commanders of the King's ships and merchant vessels, and to officers of the army not under the rank of captain. Only one freedom has been presented within the last 10 years.

Expenses of Admission.

The town clerk's fee on every Admission, except those by gift, is 2*s.*, and that of the serjeant at mace, 6*d.* The fee to the corporation is 6*s.* 8*d.* on admission by birth, 13*s.* 4*d.* by marriage and apprenticeship, and 5*l.* by purchase. The stamp in the three first cases is 1*l.*, and in the last 3*l.* No fees are paid on freedoms by gift, the stamp-duty of 3*l.* is paid by the corporation.

Governing Body.

22. The mayor, jurats and common council constitute the Governing Body, by whom all the affairs are managed. A meeting of them is called a common assembly, for the convening of which three days' notice is always given.

Mayor, functions of.

23. The Mayor is a Justice of the Peace within the parish. He is expected to take the principal part of the business requiring a justice, and always attends the petty sessions, which are held once a week.

He is a quorum judge of the court of record, but this court is held only for the admission of freemen and swearing in of officers.

Coroner.

He is also coroner within the same district. The corporation of Sandwich claim a concurrent jurisdiction as coroner within the parish, which is not admitted by the corporation of Deal. In practice the former never interfere. The town clerk attends all inquests, as the mayor's adviser, and in fact conducts the proceedings. The average number of inquests is about three in a year. They are generally held at the court hall. The serjeant at mace selects and summons the juries. He has no rule for the selection, but summons such householders as occur to him at the time. The only restriction, which he observes, is not to summon the same person on two or three consecutive inquests. He summons 24 on each inquest. The mayor has a fee of 13*s.* 4*d.* on each inquest. Each juryman has 1*s.* The serjeant at mace and town clerk have each 6*d.* for every juryman summoned. The latter makes a charge for swearing the witnesses, taking the evidence and making out the inquisition, varying according to the length of time he is employed. His charges amount to about 2*l.* on each inquest. A surgeon is allowed 1*l.* 1*s.* for giving evidence, and other 2*l.* 2*s.* if he has to open the body.

The mayor is clerk of the market, but very little attention is paid to the duties of this office. He seldom acts, except upon complaint. He regularly sets the assize of bread upon the returns furnished to him by the receiver, as mentioned in sect. 29. He is a commissioner under the Court of Requests Act, and the Pavement Act. He is by the latter Act chairman of all meetings, at which he is present.

He has a salary of 5*l.* 5*s.* The amount of his fees on inquests average about 1*l.* 2*s.* in the year. He receives one-third of the fees paid by the publicans for obtaining their licences, after deducting expenses. His share amounts to 3*l.* 0*s.* 6*d.* upon the whole of them.

The expenses of the office are not much above the emoluments. They are incurred in giving some refreshments to the governing body on the day, on which he takes office, and in paying 3*l.* or 4*l.* to flag-bearers, bell-ringers and a band of music, on the same day.

Recorder, functions of.

24. The Recorder's duties are in practice confined to those at the general sessions, which he always attends. He is a justice of the peace. He is a quorum judge of the court of record, but is not called upon to act. He is a commissioner under the Court of Requests Act and Pavement Act.

He has an allowance of 10*l.* 10*s.* each sessions, which he attends.

Jurats, functions of.

25. Five of the Jurats, elected by the mayor and jurats, are justices of the peace for the parish during their continuance as jurats. No rotation is observed. The selection is made by arrangement amongst themselves; there is usually no wish to have the office. All the jurats are commissioners under the Court of Requests Act and Pavement Act. In the absence

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absence of the mayor, a jurat is to be chairman of the meetings held under the latter Act. They have no salary or emoluments.

Common Council, functions of.

26. The Common Council are commissioners of the court of requests. They have no other functions beyond those mentioned in previous sections. They have no salary or emoluments.

Town Clerk, functions of.

27. The Town Clerk attends all the meetings of the corporation, and enters their proceedings. He has the usual duties at the general sessions, and is clerk to the justices. He enters the minutes of the proceedings of the court of record, the business of which is at present merely formal.

He attends all inquests, as the mayor's adviser, at which he takes the evidence, and directs the jury. He also draws up the inquisitions. The present town clerk is treasurer of the town.

He has a salary of 10*l.* as town clerk, and has an annual bill on the corporation of about 6*l.* 5*s.* on an average. His fees on inquests were mentioned in sect. 23. He averages his fees as clerk to the justices at 17*l.* 15*s.*; in this sum he includes his fees on licences and inquests.

He has also a bill on the town-rate, as clerk to the justices, the actual profits of which he calculates at 43*l.* 8*s.* 11*d.*, on an average of the last three years. This includes the taking depositions, making out warrants, and sessions fees not paid by the prosecutors.

Serjeant at Mace, functions of.

28. The Serjeant at Mace is considered the mayor's servant for all official business. He attends all the common assemblies and the general and petty sessions. He is sworn as constable, and is the one, to whom the magistrates' order for receiving the town-rate is directed.

Gaoler and Crier.

He is also Gaoler and Crier.

He has no salary. The following are his various emoluments, but it is difficult to apportion them amongst his different offices. He has a house, rent and tax free, adjoining to the gaol; but it is not considered as altogether the gaoler's house. It was thought to be worth to him 20*l.* a year. As gaoler, he has fees on commitments, which, on an average of the last three years, amount to 9*l.* 4*s.* 1*d.* in the year. His allowance on inquests, for summoning the jury and attending, averages about 1*l.* 8*s.* 4*d.* in the year. He has 2*s.* 6*d.*, allowed him out of the town-rate, for attending each petty sessions, which produces 6*l.* 10*s.* a year. He was last year allowed 1*l.* for collecting the different instalments of the town-rate. He has fees at the general sessions upon the discharge of recognizances, amounting to about 2*l.* 13*s.* in the year. His fees on the execution of warrants amount to about 1*l.* 10*s.* in the year. His earnings, as crier, amount to something under 20*l.* a year. He has 1*l.* 1*s.* annually, as receiver of returns. He has a salary of 3*l.*, as messenger of the commissioners of pavement. He is also serjeant of the court of requests; his fees from this situation amount to 3*l.* 5*s.*, on an average of the last three years.

Receiver of Returns, functions of.

29. The Receiver of Returns receives from the millers and bakers their accounts of the price of flour on every variation of it. These are taken to the mayor, and from them he sets the assize of bread. The system was thought to be very imperfect, the returns having to be furnished voluntarily, and not upon oath. The receiver stated, that, upon every rise in the price of flour, he had returns made from all the dealers, but that, in case of a fall, very few returns were brought to him. The assize is printed, a copy of it is placarded on the weigh-bridge, as being a public place, and a copy is sent to each of the bakers. The receiver has an allowance out of the town-rate of 1*l.* 1*s.* a year. He is the serjeant at mace.

Coal Porters and Coal Meters, functions of.

30. The Coal Porters are employed in landing coals from the vessels. As there is no harbour, it is necessary that this should be done as expeditiously as possible. The porters engage to leave all other work, which they may be employed about, when required for the unlading of a vessel. They are divided into three gangs of nine each, including the meter; one gang is employed upon each vessel. There are no porters employed, except those appointed by the corporation. A bye-law of 1703 enacts, that "none work as porters, but those, who have been sworn so and are freemen." The labour was stated to be very severe, but the remuneration is proportionally large. It was thought that a porter could occasionally earn 10*s.* 6*d.* in the day. Seven of each gang receive at the rate of 4*d.* a chaldron each, and the other two, 2*d.* each; half is paid by the captain of the vessel, and half by the consumer. They have also 1*s.* each for putting ballast into the vessel on its return. The Coal Meter is one of the porters; he measures the coal as it is taken by the porters. His wages were included in the account of the porters; they are 4*d.* a chaldron, and 1*s.* for ballasting.

Freemen, privileges of.

31. The Freemen at present enjoy no privileges beyond the rest of the inhabitants. From the granting of the charter down to September 1822, no one was allowed to carry on trade within the town, who was not free. Tradesmen, not otherwise entitled, were obliged to purchase their freedom. The penalty upon a non-freeman for trading was, 6*s.* 8*d.* on opening the shop, and 6*s.* 8*d.* a month afterwards. Difficulty was occasionally experienced in compelling an admission to the freedom, or in enforcing the penalty; a distress was sometimes made, and the goods were kept, but not sold. In consequence of this, and of some doubt, on the part of the corporation, as to their right to support such a custom, the restriction was abandoned in 1822.

No instance was known of any freeman having had exemption from tolls or dues in other ports, on the ground of his being a freeman of the Cinque Ports.

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General Sessions.

32. The General Sessions are not held regularly. Instances have occurred of the sessions not having been held during a whole year, but this has not been the case within the last 10 years. They are now always held once within the year, and twice, if there be any prisoners for trial. They are held before the justices, the recorder always attends. The jurisdiction is the ordinary one of county sessions. The justices of the town and port of Sandwich have a concurrent jurisdiction within the parish, but they never interfere in cases over which the Deal justices have jurisdiction. Capital cases are sent to Sandwich for trial, unless they seem to be such as will probably be followed by execution: when this is the case, the accused are sent to the county gaol for trial at the assizes. The juries are selected by the mayor from the poor-rate book. He and the other justices choose such persons, as, from personal knowledge, they think fit for the duty. No one is summoned, who has served within two years: 24 are summoned on each jury. The grand jury is composed chiefly of the higher class of tradespeople, and the petty jury of the smaller shopkeepers. One common councilman is always put upon each jury as foreman. The common councilmen are taken in rotation, and serve two successive sessions; the foreman of the petty jury one sessions being appointed foreman of the grand jury the following sessions. A publican also is always placed upon each jury. The members of each jury dine together on the day of holding the sessions, and it is customary to have the dinners at the houses of the publicans on the respective juries. Most of the publicans are taken, and nearly in rotation, who, it is thought, can furnish a comfortable dinner. There is an allowance, out of the town-rate, of 4*l.* 4*s.* to the grand jury, and 2*l.* 2*s.* to the petty jury. The town clerk is clerk of the peace. The recorder generally examines the witnesses from the depositions.

The following is the number of committals for trial, convictions, and transportations, in cases of felony, and of the expenses allowed, in three successive years:

Years.	Committals.	Convictions.	Transportations.	Expenses.		
				£.	s.	d.
1830	3	3	0	8	3	6
1831	2	0	0	4	6	10
1832	2	2	0	5	1	8

The only appeals, which have been tried within the last 10 years, have been against the poor-rate and these are very rare. There were two entered in 1831, but no trial took place.

Petty Sessions.

33. The Petty Sessions are held once in the week. The attendance of two justices can always be obtained; the mayor always attends.

Court of Record.

34. The charter gives the corporation power to hold a Court of Record every week, before the mayor, recorder and jurats, or any three of them, the mayor and recorder, or their deputies, being two, with cognizance of all actions, personal and mixed, to the amount of 100*l.* The last entry of any action was in 1808, and, for some years before that time, there seem to have been no trials, the suits being all entered as compromised. No writs are ever sued out of the court. The town clerk stated, that he should be very unwilling to enter any plaint, on account of the absence of the recorder, who is a quorum judge. The corporation are in possession of the old rules of practice, and a table of fees. The court is constantly held by the mayor and jurats, but nothing is done at it, except the swearing of the mayor and freemen. It is difficult to understand upon what ground the corporation consider the court, without the presence of the recorder, valid for one purpose and invalid for another. The town clerk seemed to think, that as no act was done *in invitum*, there was no one to take advantage of the irregularity. The town clerk was the clerk of the court, and the serjeant at mace the officer, to whom the process was directed.

Extension of Jurisdiction.

35. The Jurisdiction requires no extension.

Police.

36. There are at present 23 Constables, who are selected and appointed by the magistrates; they are usually substantial householders. There is no disinclination to the office, as it is considered to form an exemption from parochial offices. Persons are not compelled to serve who do not wish to do so. Care is taken to take householders from the different parts of the parish. They have no emoluments.

Watching and Paving Act.

Means are provided for maintaining watchmen, by the Act 52 Geo. 3, c. lxxiii, which is for the paving, lighting and watching of the town, and for preventing nuisances in it. The mayor, recorder and jurats, are commissioners under it, together with the incumbents of the two churches, and 30 other persons, who are elected on vacancies by the remaining commissioners. The qualification for the elected commissioners is the enjoyment of a freehold or leasehold estate, of the annual value of 15*l.*, or of personalty to the amount of 400*l.* Meetings are held every month, at which five commissioners must attend. The mayor is to be chairman, if present; if not, the recorder, or one of the jurats, in the order specified. The chairman is to have a casting vote, in addition to his first vote. There is generally a large attendance at the meetings. The maximum rate, authorized by the Act, is, 2*s.* in the pound upon the occupiers of premises adjoining the streets, which are paved, and 1*s.* in the pound upon the remaining occupiers: the full rate is always levied. Certain premises are to be assessed by measure, at the rate of 2*d.* the foot. There is a power of rating the owner, instead of the occupier, in some cases. The commissioners are also authorized to levy a duty upon all coals, coke or cinders, landed or brought within the town, or carried

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through it, of 3*s.* for every chaldron or ton. There is a power of appropriating to the pavement annually 80*l.* of the highway rate. The receipts during the year, ending June 1833, were as follows:

	£.	s.	d.
From the rates	436	11	1
— coal duty	616	2	4

There was a balance from the preceding year of 248*l.* 16*s.*

There are six watchmen at present employed. This was stated to be a sufficient number. Each of them is paid 10*s.* 6*d.* a week. The paving was stated to be very bad, but no more money could be afforded than was annually expended on it. The lighting is by oil. The expenditure on these three in the year 1832-33, was

	£.	s.	d.
Watching	107	3	4
Paving and sewers	93	0	5
Lighting	126	9	7

The salaries of the different officers amount to 73*l.*

There is a steam-engine for throwing off the waste water, of which the expense was, in the year above referred to, 82*l.* 2*s.* 2*d.* There is a debt of 6,000*l.* secured on bonds, on which four per cent. interest is paid, and an annuity debt of about 330*l.* The commissioners are empowered to license porters, who are to have the exclusive privilege of plying for hire. This is not done at present, on account of the disturbance and violence which it created amongst the boatmen and others, who are in the habit of earning money as porters. The accounts are audited every year at a meeting of the commissioners, and an abstract of them is printed.

Court of Requests.

37. A Court of Requests, for the town and borough of Deal and several neighbouring parishes, is held under the authority of an Act, 26 Geo. 3, c. 18. The jurisdiction of the court is limited to debts between 2*s.* and 40*s.* There is a clause, excepting from the jurisdiction of the court certain debts, such as those on real contracts, wagers and some others. No debt cognizable in this court is to be sued for elsewhere. The mayor, recorder, jurats and common council, are commissioners, together with 24 other persons, elected on vacancies by the commissioners for the time being. The qualification for the elected commissioners is, the being an inhabitant householder within the town and borough, and the possession of a real estate of the clear yearly value of 30*l.*, or of a personalty to the amount of 500*l.* The commissioners are to hold courts the first Monday in every month. Three commissioners only are requisite for holding a court, but there is frequently great difficulty in procuring the attendance of so many. Eight in rotation are summoned for every court; but the serjeant of the court has often to go to request the attendance of commissioners, in order to form a court. Instances have occurred of the court not being held for want of commissioners. Quarterly meetings are directed to be held for making regulations, at which 15 commissioners are necessary. These are seldom held, from the same cause. There is a power of execution against either the body or goods. The extreme time of imprisonment is 20 days. Every plaintiff is to allow his debtor 3*d.* a day, while in prison at his suit. The following is the number of actions commenced, of executions by body and by goods, and of actual imprisonments, in three successive years:

	Actions.	Executions against		Imprisonments.	Amount for which Execution issued.		
		Body.	Goods.		£.	s.	d.
1830	130	6	20	3	26	3	3½
1831	105	7	12	4	20	1	4
1832	90	5	10	3	15	8	8

About one third of the whole number of actions are settled without coming to trial. Out of 20 executions against the goods, not above four or five are enforced, a compromise taking place in the remainder. There is a Schedule in the Act of the fees to be taken by the clerk and serjeant. The fees of the former, on an average of the last three years, amount to 8*l.* nearly, and those of the latter to 3*l.* 5*s.*

Town Rate.

38. A Rate, in the nature of a county rate, is occasionally imposed upon the parish by the justices at the general sessions. This is in the form of an order to the churchwardens and overseers to pay the sum required out of the poor-rate. The sum imposed is generally 300*l.*; the interval between two successive rates is, on the average, a little less than two years. This is about as much as a poor-rate of 1*s.* in the pound produces. The rate is not taken all at once, but is collected by instalments, as it is wanted. The principal charges upon the rates are, the town clerk's bill, amounting, on an average of the last three years, to 43*l.* 8*s.* 11*d.* a year; the gaoler's account, containing his fees for attendance at the courts, his taxes, and the maintenance of prisoners, amounting, on the same average, to 45*l.* 7*s.* 4*d.*; the

the allowance to prosecutors and witnesses, in 1831, 16*l.* 4*s.* 1½*d.*, in the other two years together, only 2*l.* 17*s.* 6*d.*; coroner's inquisitions, on an average of three years, 13*l.* 12*s.*, repairs to the gaol, 16*l.* 9*s.* 8*d.* There is the expense of a dinner each sessions to the jurats, amounting to about 10*l.* The whole expenditure, on the average of the same three years, is 190*l.* 5*s.* 1*d.* The accounts are audited by the justices every general sessions. No abstract of them is published, but the town clerk, as treasurer, stated, that he should show them to any one who asked to see them.

Gaol.

39. The Gaol consists of two rooms, which serve for both day and night cells. There is no court yard, or means of employment for prisoners. The prison seems to be unfit for the confinement of persons for any length of time.

Poor.

40. The Poor-rates amount to about 12*s.*, or 13*s.*, in the pound in the year. The assessment is calculated at about two-thirds of the real value on land, and about one-half on houses. A shilling rate produces about 300*l.*

Patronage.

41. The corporation are trustees of a Chapel of Ease, built under an Act of Parliament, 10 Anne, c xi., and appoint the chapelwardens, organist and sexton.

Licences.

42. There are 39 licensed public-houses in the parish, 23 of which belong to one brewer, who is a jurat. There have been no new Licences granted for many years. It used to be always customary for persons, before applying for a licence, to take up their freedom. This was not explicitly enjoined to them as a condition by the magistrates, but it was well understood in the town, that licences would be granted to none but freemen. The practice was discontinued about three years ago.

Markets.

43. There is a general Market held twice a week, but it is confined almost entirely to the sale of meat and vegetables. Tolls are collected from all who either sell in the market-house, or who hawk about the town. These seem to have been first imposed by a bye-law of the corporation in 1703, and were originally taken from foreigners, or non-freemen, only. A halfpenny or penny is taken for each basket, and 6*d.* for a standing in the fish-market; the butchers pay 1*s.* 6*d.* the day for each stall, the corporation providing the stall, and scales and weights. These and the fair tolls are let on lease to the serjeant at mace, at a rent of 66*l.*; previously to April 1832 the rent was 86*l.*

Fairs.

44. There are two small Fairs held in the year. The same scale of tolls is taken as at the market. These tolls are let to the serjeant at mace, along with the market tolls, for 66*l.* a year.

Revenue.

45. The income of the corporation is very small. It is derived from the following sources; the market and fair tolls, mentioned in the two preceding sections; admissions to the freedom, mentioned in sect. 21; fees on admission into the offices of the corporation, mentioned in sect. 19; and a weigh bridge. The latter is the property of the corporation, for the use of which they charge, according to the weight put upon it, at the rate of 1*s.* a ton, or a load. The serjeant at mace receives the payments, and has a per-centage of 5*s.* in the pound. The entry below is the net receipt of the corporation.

The following is the average income of the last three years:

	£.	s.	d.
Market tolls	66	–	–
Weigh bridge	11	17	3
Freedoms	12	–	–
Admission fees from jurats and common council	18	11	–
— — coal porters	1	–	–
£.	109	8	3

Court Hall.

The Court Hall was built in 1803, principally by subscriptions in the nature of loans upon the bonds of the corporation. The sum subscribed was 1,270*l.*, all of it by members of the corporation; 320*l.* of this debt has been paid off; the subscribers have a mortgage on the premises for the remainder, and interest at four per cent. is paid on it. £.300 was also raised by annuities, which have fallen in, and 600*l.* by the sale of the old building. Some other money was raised, but it was not remembered how. The court hall, market house, gaol and gaoler's house, were then built at an expense of 2,961*l.* 12*s.* 5*d.*

Debt.

The outstanding Debt is 950*l.* which the corporation are gradually reducing.

Expenditure.

The principal items of Expenditure are, the payment of interest upon the debt, and occasionally part of the principal; the expense of repairing and maintaining the weigh bridge, which exceeds the receipts from it; the casual repairs to the court hall and gaol; the town clerk's salary of 10*l.*, and a small charity of 1*l.* There is a charge of 4*l.* 4*s.* for a band of music and other trifling expenses on the election day of the mayor, but no allowance for entertainments.

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Population.

46. The Population of the parish in - - - - - { 1801 * was 5,420. / 1811 * - 7,351. / 1821 * - 6,811. / 1831 * - 7,268.

The number of inhabited houses in - - - - { 1801 † - 906. / 1811 † - 1,340. / 1821 † - 1,302. / 1831 ‡ - 1,391.

The number of 10*l.* householders, registered in the revising barrister's list for 1833, was 357.

The town is in a very depressed state. There is no manufactory of any kind; nearly the whole support of the town is derived from the shipping in the roads. House rent is extremely low, and many of the best houses are vacant. There is little or no import of any thing except coals.

In 1824 there were imported - - - - - - - -	5,064	chaldrons.
1825 - - - - - - - - -	4,862	—
1828 - - - - - - - - -	5,518	—
1829 - - - - - - - - -	5,199	—
1832 - - - - - - - - -	5,714	—
1833 - - - - - - - - -	5,431	—

Local Acts.

47. The following are the Local Acts relating to the town:

10 Anne, c. xi. (Private), An Act for completing a Chapel of Ease in the Lower Town of Deal, in the County of Kent, on a Duty on Water-borne Coals to be brought to the said Town.

26 Geo. 3, c. 18 (Public), An Act for the more easy and speedy Recovery of Small Debts within the Town and Borough of Deal, and the Parishes of Ripple, Sutton, Northbourne, Great Mongeham, Little Mongeham, Tilmanstone, Betshanger, Ham and Sholden, in the County of Kent.

52 Geo. 3, c. lxxiii. (Local & Personal, Public), An Act for more effectually paving, cleansing, lighting and watching the Highways, Streets and Lanes within the Town and Borough of Deal, in the County of Kent, and for removing and preventing Encroachments, Nuisances and Annoyances therein.

Documents.

48. Copies of the following Documents are sent with this Report:

1. Translation of the Charter of William 3.
2. Orders of the Corporation for regulating the Coal Porters.
3. Return relating to the Criminal Jurisdiction.
4. Return relating to the Civil Jurisdiction.
5. Table of Ancient Fees allowed in the Court of Record.
6. Abstract of the Pavement Accounts for two consecutive years, ending June 1833.
7. Table of Fees in the Court of Requests.
8. Abstract of the Expenditure of the Town Rate, from 12th January 1831 to 5th September 1833.
9. The Parish Accounts for two successive years, ending March 1832.

D. Maude.

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* Comparative Account of Population, printed by order of The House of Commons, 1831.
† Marshall's Statistics, p. 84, No. 614.
‡ Census of 1831.

REPORT

ON

THE BOROUGH OF DOVOR.

(KENT.)

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REPORT ON DOVOR.

1. A CONSIDERABLE portion of the information contained in the following Report has been derived from the printed Report of Evidence taken before the Committee of the House of Commons, appointed to inquire into the State of Municipal Corporations. The reason of this will appear from the following statement.—The Commissioners, who proposed making the inquiry into the state of the corporation of Dovor, wrote to the Mayor to inform him of their intention, and of the nature of the inquiry. To this communication they received an answer from the town clerk, with the following Resolution:— Sources of information.

"At a Common Assembly of the Mayor, Jurats and Commonalty of the Town and Port of *Dovor*, in the County of *Kent*, in Common Council assembled, holden in the Guildhall of the Town and Port, the 14th day of December 1833.

"*Joseph Webb Pilcher*, Esq. Mayor, in the Chair;

"A communication having been received by the Mayor from the Municipal Corporation Commissioners, and the same having been submitted to this assembly,—

"*Resolved*, That this assembly is willing and anxious to follow up, without the least reserve, the lengthened investigation of the affairs of this corporation, which has recently taken place before a Committee of the House of Commons, by rendering any further information that may be required by that Honourable House, or any legally authorized tribunal; but it appearing to this assembly that the Municipal Commission, as at present constituted, has no legal authority to require such investigation (a conviction in which this assembly is confirmed by the opinion of some of the most eminent lawyers, both of the past and present ages), this assembly considers it would be compromising its own dignity, and be guilty of a violation of its public trust, if it permitted its records to be produced, or its officers examined befere such Commission, and therefore feels itself bound respectfully to refuse such production or examination.

"That the above Resolution be transmitted by the town clerk to the Municipal Commissioners, and printed for general circulation."

(Signed by the Town Clerk.)

In accordance with the above Resolution, all assistance was afterwards, on my visit to the town, refused by the members of the corporation. Several of the inhabitants of the town were willing to give all the assistance in their power, but they knew very little of the constitution of the corporation. The proceedings of the governing body, and the system upon which they they act, as well as the state of the pecuniary affairs of the corporation, seem not to be known to any except the members of the governing body. I proceeded, however, to obtain all the information I was able upon the operation and effect of the system as it exists, and to ascertain, as far as I could, the degree of confidence felt by the inhabitants generally towards the corporation in the management of the affairs of the town under their jurisdiction. I had every reason to believe that some of the members of the governing body would most willingly have given me information, had they not felt themselves bound by the Resolution stated above. Notwithstanding the great care and industry which were bestowed by some of the inhabitants in collecting information, it is probable that there are some inaccuracies in the following details.

2. The Town and Port of Dovor comprehends the two parishes of the town, St. Mary and St. James, parts of the parishes of Charlton and Hougham, and a few acres in each of the parishes of Buckland and Guston. By the Act 54 Geo. III. c. xvii. (Local and Personal, Public), the castle was made part of the town and port. There is a slight error in the colouring of the map in the Report of the Boundary Commissioners, which makes the boundary line of the town coincident with that of the parish of Charlton at the north-eastern extremity; the former does not extend so far, and Charlton church and a few houses adjoining are not within the town and port; the dotted line gives the true boundary. The jurisdiction on the part towards the sea is said to extend to low water mark, and as far as a man on horseback can ride and touch the bottom with a spear. Besides this district, there are several detached places situated at some distance from Dovor, which are designated as the liberties of the town and port. These are, the parish of St. John, within which is the town of Margate, the parishes of St. Peter and Birchington, and the ville of Wood, all in the Isle of Thanet; and the parish of Ringwould, near Deal. No right of citizenship can be acquired in these liberties, but they are in all respects under the criminal and civil jurisdiction of the port. Extent of the Town and Port and Liberties.

The Parliamentary borough comprehends the town and port, an additional part of the parish of Buckland, and a few houses under the castle cliff.

3. I was unable to procure any information respecting the Charters of the corporation. Several inhabitants seemed to understand, from the evidence of the mayor and town clerk, given before the Committee of The House of Commons, that the corporation were not possessed of any charters. It seems, however, probable, that those two officers alluded merely to charters, giving the particular jurisdiction, to which the question of the Committee had reference. Charters.

DOVOR.

Title of Corporation.

4. The Title of the corporation is, "The Mayor, Jurats and Commonalty of the Town and Port of Dovor."

Officers.

5. The Officers connected with the corporation are—

Mayor	1	
Deputy Mayor	1	
Recorder	1	
Jurats	12,	exclusive of the Mayor.
Common Council	36	
Chamberlain	1	
Town Clerk	1	
Deputy Water Bailiff	1	
Town Serjeant	1	
Mayor's Serjeant	1	
Gaoler	1	
Assistant Gaoler	1	
Crier	1	
Coalmeters	6	
Porters	6	
Inspector of Meat	1	
Constables	indefinite.	

Freemen.

6. The number of Freemen was stated to be about 2,472, of whom 1,272 are resident.

Mayor, election of.

7. The Mayor is elected annually by the whole body of resident freemen, including the jurats and common council, out of four jurats nominated by the mayor and jurats. It was thought by some of the freemen that the mayor and jurats usually arranged amongst themselves, at a meeting previous to that for nomination, whom they should put in nomination. It was not known by what method the four persons were determined upon, nor whether divisions ever took place amongst the mayor and jurats, the freemen not being allowed to be present. It has been usual to put in nomination the jurat, whose turn it is, according to rotation, to serve the office of mayor, and the three jurats, who, according to rotation, are furthest from the chair. It is considered that a jurat is not eligible for the office of mayor until he has held his own office a year and a day. At the last election, in September 1833, there were two jurats, who had been in office the requisite period, and who had never served the office of mayor. The senior only of these two was put in nomination; this was expected by the freemen. The mayor and jurats have sometimes put in nomination one or two jurats, who, from their age, were unlikely to be elected by the freemen. Instances also were mentioned, where one of the four jurats was non-resident, and another an invalid. It was thought that the nomination of such persons had been made, in order to restrict the choice of the freemen. After the nomination has taken place, the town clerk announces to the freemen the names. He then calls over the names of the electors, beginning with the senior, and takes the vote of each separately. The names of the jurats and common council, living out of the liberties, are called over, but no instance was known of any such having voted. The town clerk declares the election. It is observed that the jurats, and nearly all the common council, vote for the person whose name is first announced by the town clerk. This is always the person next in rotation for the office; he is usually elected. Several of the freemen have more than once put in nomination, and voted for, a jurat, not nominated by the mayor and jurats. The reason given to me for this was the dissatisfaction which they felt at jurats being nominated, whom, it was quite clear, the nominating body thought either not in a condition to serve the office, or unlikely to be elected, and who had been nominated solely on that account. Some years ago a jurat, not nominated by the mayor and jurats, had a majority of votes tendered for him. He was mayor at the time. The town clerk refused to receive the votes tendered for him, and declared the election in favour of one of the jurats who had been put in nomination in the usual manner. The reasons given for this decision, before the Committee of the House of Commons, were, that the former was ineligible, as being the returning officer of the previous year, and as not having been nominated by the mayor and jurats. The town clerk at the same time stated that, as far as he could trace the book, which he thought was 1602, the existing system had prevailed. The average number of freemen, who vote at this election, is about 600; on one occasion 800 voted. The votes are not usually given with reference to the political opinions of the persons in nomination, though this has sometimes been the case, more particularly about the time of an election of Members of Parliament, or when any political question has created general interest. After the election, the chamberlain gives 1*s.* to each person who has voted, except such as have voted for persons not nominated by the mayor and jurats. It is usual for all the electors to take this. The money is paid out of the general funds of the corporation. No instance was known of the persons in nomination having given any thing to their voters. The present mayor has served the office twice before this year; he is resident within the liberties.

Deputy Mayor, appointment of.

8. The Deputy Mayor is appointed by the mayor. He is always a jurat; but he may be appointed at any time after his election into that body. A deputy mayor is always appointed to act for the whole year. No announcement of the appointment is made, so that the freemen do not know who is deputy, until he acts as such. No rotation is observed in this appointment.

9. The

9. The recorder is elected by the mayor, jurats and common council. He has always been a practising barrister. The present recorder was elected in 1827; he resides near Canterbury. Recorder, election of.

10. The Jurats are elected out of the common council by the mayor, jurats and common council. The office is for life. No rotation is observed, one of the junior common councilmen being frequently elected. It was stated that nearly all the elections were attributable either to the political opinions of the persons elected, or to their relationship to some influential member of the electing bodies. All the present jurats are supposed to belong to the same political party. Of the present thirteen jurats, nine have near relations in their own body; in some instances there is a family connexion, extending to three or four jurats and common councilmen. No dissenters from the church have ever been elected jurats. All the present jurats are resident. Jurats, election of.

11. The Common Council are elected from the freemen by the mayor, jurats, and common council. The office is for life. Up to the last election of common councilmen, in February 1833, it was thought that freemen had been elected into this body solely with reference either to their political opinions, or to family relationship to some of the jurats or common council. Upon the particular election just adverted to, ten common councilmen were elected, some of whom, it is thought, are not of the same general political opinions as the rest of the jurats and common council, nor related to any of them. There is at present the full number of common councilmen. This has seldom been the case: vacancies have remained for very long periods. It was thought that there had been always, upon an average, five or six vacancies in the two bodies, of jurats and common council, taken together. The filling up of all the vacancies in both bodies, in February 1833, was attributed to the appointment of the committee of the House of Commons to inquire into the State of Municipal Corporations. Persons have always been resident, when elected into the common council, but have frequently continued in office after becoming non-resident. No dissenters from the church have ever been elected into the common council. Common Council election of.

12. The Chamberlain is elected by the mayor, jurats, and common council. Until very recently there have always been two chamberlains appointed; and the common councilmen have been taken annually in rotation. Some inconvenience having been found from the same person being so short a time in office, one of the common council has lately been appointed permanent Chamberlain. Chamberlain, election of.

13. The Town Clerk is elected annually by the mayor, jurats and common council. The re-election of the same person takes place as a matter of course. The town clerk has usually been a common councilman. The present town clerk is a practising attorney, residing within the town: he is the partner and son-in-law of the preceding town clerk, who is now a jurat. Town Clerk, election of.

14. The election and appointment to the nine following offices is by the mayor, jurats and common council. The offices are all held by freemen. Other Officers, appointment of.

The Deputy Water Bailiff.—It was not known whether this appointment was under the seal of the corporation. The Gaoler is appointed. Deputy Water Bailiff.

The Town Serjeant.—This was thought not to be an annual appointment. Town Serjeant.

The Mayor's Serjeant.—This is probably an annual appointment; but the same person is always re-appointed. Mayor's Serjeant.

The Gaoler.—The same person is Deputy Water Bailiff. Gaoler.

Assistant Gaoler and Crier.—One person fills both these offices. Assistant Gaoler and Crier.

The Coal-Meters.—It was stated that persons had been obliged to purchase the freedom before they were appointed. Three additional Coal-meters are appointed to act, in case of the sickness of any of the regular meters, or of the latter being insufficient for the work. Coal-meters.

The Porters.—The corporation Porters are always appointed porters by the Commissioners under the Pavement Act, mentioned in section 40. The selection of these six porters is probably made by the corporation, and adopted by the Commissioners, though each body has a right to appoint. Porters.

The Inspector of Meat.—This officer is appointed under the provisions of the Market Act, 7 Geo. IV. c. v., mentioned in section 46. Inspector of Meat.

15. The selection of persons for the office of Constable seems to be made by the town serjeant, or by the constables going out of office. The town is divided into thirteen wards, from which the constables are taken; three from some, and one or two from the others. The same persons frequently serve for several years. After a person has served one year, who does not wish to serve a second, he is required to send in to the magistrates the name of a householder of the same ward as that from which he was selected: unless he does this, he is obliged to be re-sworn for the following year. When any constable is removed from office for misconduct, the town-serjeant selects some householder within the ward of the person removed, to whom he gives a notice to attend before the Justices to be sworn into office. A person, on leaving the ward for which he was chosen, vacates his office. There are at present 29 constables. Constables, appointment of.

16. It was not known what Fees were paid on admission into any of the above offices. Fees.

17. No Fines were known to have been imposed for refusal to take any of the offices. Fines.

DOVOR.

Freemen, admission of.

18. The Freedom is acquired by birth, by marriage, by apprenticeship, by the possession of a freehold, by purchase, or by gift.

By birth.

Every son of a freeman, born within the town and port after his father has become free, is entitled to his freedom at the age of 21. The birth must have taken place within that part of the liberties first mentioned in section 2, as comprising the parishes of, or adjoining to, the town of Dovor.

By marriage.

Every person who has married the daughter of a freeman, born under the same circumstances as was mentioned in the account of the preceding class of freedoms, is entitled to his freedom at the age of 21. The husband's freedom is determined by the death of the wife.

By apprenticeship.

Every person, who has served an apprenticeship of seven years to a resident freeman, is entitled to his freedom at the age of 21. The service need not be within the town, if performed *bonâ fide* for the master. The indenture must be inrolled within three months: if this be neglected, it can afterwards be enrolled only by special allowance of the governing body, which may be obtained upon petition. If the master die, and the executors refuse to assign the indentures, another binding to a freeman, and service for such a term as with the previous service will make up the seven years, will enable a person to obtain the freedom. In this case, a memorial to the governing body and allowance by it are necessary. The same is the case in the event of the bankruptcy of the master, and the refusal of the assignees to assign.

By freehold.

Every person possessed of a Freehold of the annual value of 7*l.* 10*s.* within the town and port, and resident within it, is entitled to his freedom. Previously to admission, the property is surveyed by two of the jurats, and a certificate is made by them that it is of the required value. The right of property is ascertained by the town clerk, on an inspection of the title-deeds. If the freeman cease to reside, the freedom is in abeyance until he resumes his residence. He is not entitled to vote at an election of mayor, until he has been in possession of the property a year and a day.

By purchase.

The freedom may be obtained by paying 20*l.* to the corporation as purchase-money. This freedom is seldom taken up, except by those who are compelled to do so in order to have the privilege of exercising a trade within the town, as will be noticed in section 38. One instance was mentioned, where the corporation had refused the freedom to a person who wished to purchase, on their understanding that he was not going to exercise any trade. The purchase-money seems to have been 20*l.* as far back as can be remembered. A person must have resided within the town and port for a year and a day, before he can be admitted to this freedom.

By gift.

The freedom has occasionally been given by the corporation, as a compliment, to persons of rank, and to the candidates for the representation of the town in Parliament. It has sometimes been given to the children of freemen who could not claim their freedom, on account of their having been born before their father was of the age of 21.

The freemen are sworn at the Court of Record.

The expenses of admission to the freedom are as follows:—

	£.	s.	d.
By Birth and Marriage:			
Fee to the Town Clerk	–	2	4
Town Serjeant	–	–	6
Stamp	1	–	–
	1	2	10
By Apprenticeship:			
Fee to Corporation	–	3	4
Town Clerk	–	2	4
Town Serjeant	–	–	6
Stamp	1	–	–
The Fee paid on enrolment of the Indenture is, to the Town Clerk, 1*s.* 8*d.*	1	6	2
By Freehold:			
Fees to Town Clerk	–	13	4
	–	2	4
Town Serjeant	–	–	6
Stamp	3	–	–
	3	16	2
By Purchase:			
Purchase-money to Corporation	20	–	–
Fee paid to the Town Clerk	–	2	–
Stamp	3	–	–
	23	2	–

By Gift:

The Fees have usually been paid by the Corporation, but it was not known what they were.

19. The

19. The mayor, jurats and common council form the Governing Body; a meeting of these bodies is called a common assembly. What notice is requisite for their meetings, or in what manner the business is conducted, I was unable to ascertain. Governing body.

20. Some of the effects, which might be expected from the system of self-election which has been described, were mentioned in sections 10 and 11. There seemed to be no doubt that, until very recently, the admission into the governing body was strictly confined to one political party. This principle of action, and the numerous family relationships which exist amongst the members of that body, have created a strong feeling of dislike and want of confidence towards it in many of the inhabitants. In addition to the influence which a corporate body may be expected to have in its own town, the corporation of Dovor have been able to exercise a considerable influence, derived from sources altogether unconnected with itself. Allusion is here made to the patronage of the Lord Warden. There are five attornies in the governing body of the corporation, three jurats, and two common councilmen, all of whom hold appointments under the Lord Warden. One of the three jurats (who is considered to be the most influential member of the corporation) is the partner of the town clerk; and it was stated that he held the following offices: that of surrogate to the Court of Admiralty of the Cinque Ports, of lieutenant of Archcliff Fort, of auditor and register to the Commissioners of the Harbour, and of agent for managing the tonnage duties. One of the two common councilmen is the registrar of the Cinque Ports and clerk of Dovor Castle. One of the jurats is captain of Archcliff Fort; another is captain of Moat's Bulwark. These two situations are nearly sinecures. Another jurat is a near relation of the deputy lieutenant-governor of Dovor Castle. There can be no doubt that this connexion with the Lord Warden's department has given the corporation great interest in procuring appointments under it, and it was stated that the influence derived from it had been exerted at the elections, the appointments having been, until recently, almost entirely confined to the supporters of the corporation politics. The situations most coveted by the sailors, and freemen of that class in life, are those of gunners at the different forts, and of pilots. The Lord Warden or his officers appoint the former; the latter are appointed at the court of lode-manage, but they can be proposed to the court only by being on the Lord Warden's list. It appears by the Report of a Committee of The House of Commons on the Cinque Ports Pilots, in 1833, that a majority of the whole Cinque Ports pilots were freemen of Dovor. This fact is strongly corroborative of the representation given above. The objections to this system were constantly pressed upon my notice by inhabitants of different classes in life. General Remarks.

21. The Mayor is a justice of the peace within the liberties. His jurisdiction is not confined to the liberties in and round the town, but to those comprehending Margate and the other detached parishes, mentioned in section 2. The mayor takes nearly the whole of the duties requiring a magistrate during his year of office. He attends nearly every day either at the council hall or at the town clerk's office. Mayor, functions of.

He is exclusively coroner within the liberties. This jurisdiction is given by charter to each of the Cinque Ports. He is always attended on inquests either by the town clerk or the clerk of the latter, who takes the evidence and directs the jury. I was unable to ascertain the average number of inquests in the year; it was supposed that there was a greater number in the liberties about Margate than in those about Dovor. It was suggested that some inconvenience and expense would be avoided, if there were a separate coroner for the former district, Margate being 21 miles distant from Dovor. The charge for inquests upon the rate, in the nature of a county rate, made upon the whole of the liberties, from the 6th December 1832 to the 31st July 1833, was 49*l.* 15*s.* 6*d.* Coroner.

The mayor presides in the court of record.

He occasionally examines the weights and measures in the markets, and about once in the year has the market butter carried to the guildhall to be examined and weighed.

He is one of the assistants of Dovor harbour. This trust is derived from a charter of James I., which placed the harbour under the care and management of certain persons and their successors, whom it incorporated under the title of warden and assistants. The mayor does not take an active part in this trust.

He is also a commissioner of the court of lode-manage. Reference was made to this court in the introductory Report on the Cinque Ports.

He is the returning officer in the election of Members of Parliament for the town.

A considerable portion of the mayor's time is occupied by the duties of the office.

He has a salary of 100*l.* He is entitled to three bushels of coals from every vessel, not of the port, which delivers coals. These are often given by him to the poor. As coroner, he has a fee of 13*s.* 4*d.* on every inquest held within the town of Dovor, and a fee of 1*l.* 6*s.* 8*d.* on every inquest out of the town, and within the liberties.

The expenses of the office, it was thought, generally exceed the salary. The mayor is expected to give two dinners in the year to the governing body, and other inhabitants are frequently invited. There are probably many other expenses attendant upon the office.

22. The Deputy Mayor, in the absence of the mayor, exercises all his functions, including those of coroner. Deputy Mayor, functions of.

23. The Recorder always attends the general sessions, and conducts the business there; but it was thought that he was not a magistrate for the town and liberties. He has no other duties. His salary is 31*l.* 10*s.* Recorder, functions of.

DOVOR.

Jurats, functions of.

24. The Jurats are all justices of the peace for the town and liberties from the time of their election. Some arrangement is made amongst themselves for taking the justice business in rotation. They have no other duties, except those which were adverted to in describing the constitution of the corporation. They have no salary or emoluments, nor is there any expense attendant on the office.

Common Council, functions of.

25. The Common Council have no duties except those connected with the constitutional details of the corporation, which have been already adverted to. They have no salary or emoluments.

Chamberlain, functions of.

26. The Chamberlain is the treasurer of the corporation. I could obtain no information as to the details of the office, nor as to the manner of keeping and auditing the accounts. No communication of the pecuniary affairs of the corporation is ever made to the freemen.

The chamberlain has a salary of 10*l.*; he is not allowed any per centage upon the receipts or balances in his hands.

The present chamberlain is treasurer of the liberty rate. As such, he has a salary of 10*l.* paid out of the rate.

Town Clerk, functions of.

27. The Town Clerk is the clerk of the peace for the town and liberties, and clerk to the justices. He has the other customary duties of this office. It was not known whether he attended all common assemblies of the governing body. He, or his clerk, attends the mayor upon all inquests, at which he conducts the proceedings.

His salary was supposed to be very trifling. He has three bushels of coals from every vessel, not belonging to the port, which delivers coals. The average number of these in the year was not known. The town clerk stated to the Committee of the House of Commons, that he gave these coals to the poor. His fees on the admission of freemen are 2*s.* 4*d.* on each admission by birth, marriage, apprenticeship or freehold, and on an admission by freehold an additional fee of 13*s.* 4*d.* for examining the title-deeds, as mentioned in section 18: his fees on admissions by purchase and gift were not known. He has 1*s.* 8*d.* for enrolling every indenture of apprenticeship. A fee of 7*s.* 6*d.* is paid to him by each publican on obtaining a license, a small portion of which, it was thought, went to the mayor's serjeant: there are at present 73 licenses. He has always, until recently, received a fee of 10*l.* 10*s.* from each candidate, whether successful or not, for the representation of the town in Parliament. This was refused by the committee of one of the candidates in 1828, and has not been paid by the same political party since. He has a professional bill on the corporation, amounting, on an average of the last three years, to about 46*l.*

Deputy Water Bailiff, functions of.

28. The Deputy Water Bailiff is the officer of the court of record, to whom the process is directed; he makes the arrests. He also summons the juries for the general sessions, the manner of doing which will be mentioned in section 39. His fees were not known. He has a salary of 80*l.* as gaoler, mentioned in section 31.

Town Serjeant, functions of.

29. The Town Serjeant is considered a general servant of the corporation. He attends all the meetings, and proclaims all courts. He serves the summonses from the magistrates and courts of record, and is the officer of the latter, to whom the process is directed.

He has a salary of 50*l.* and a livery every year. He has 6*d.* upon every summons which he serves. He has fees at the general sessions, but the nature and amount of them were not known. He has a fee of 6*d.* on every admission to the freedom by any of the four first classes, mentioned in section 18. He receives 1*s.* from each of the publicans for carrying them the licenses. He receives three bushels of coals from every vessel not belonging to the port, which delivers coals. He provides the coals for the court-hall fires, for which he has 2*s.* 6*d.* for each fire lighted. The average amount of the emoluments was not known.

Mayor's Serjeant, functions of.

30. The Mayor's Serjeant attends the mayor at all meetings and courts. He has a salary of 30*l.* He lives in some almshouses, of which the corporation are trustees, and of which his daughter is the matron: he attends upon the inmates when required. He has coals and candles provided, and his daughter has a salary, as matron, of about 10*l.*

Gaoler, emoluments of.

31. The Gaoler has a salary of 80*l.* paid out of the liberty rate. He has the privilege of allowing persons, confined to hard labour, to work for his family, for which he gives them a trifling remuneration. This will be further adverted to in section 44.

Assistant Gaoler, functions of.

32. The Assistant Gaoler has been appointed to act in the absence of the gaoler, or on any emergency. He does not reside within the gaol, nor does he constantly attend there. The office has been recently instituted. He has a salary of 20*l.* paid out of the liberty rate.

Crier, emoluments of.

33. The Crier is paid by those who employ him. He earns about 20*l.* or 25*l.* in the year. The crier and another person are the lessees of the market tolls, for which they pay a rent of 462*l.*

Coalmeters, functions of.

34. The Coalmeters superintend the measuring of all coals landed within the port. Each in rotation takes a vessel. On the arrival of the vessel, the consignee applies at the Custom-house for a note; this is given to him to have it signed by the mayor, after which it is taken to the coalmeter whose turn it is to measure.

Each meter has 6*d.* a chaldron, of 52 bushels, for the coals which he sees measured, whether the discharging vessel belong to the port or not. The yearly amount averages about 40*l.* He has also two bushels of coals out of the vessel. If all the meters are employed, when another is

is required, one of the extra meters performs the duty, and receives the same remuneration. If any one of them be ill, his place is supplied by one of the extra meters, who receives only half the remuneration, the other half being received by the sick person.

35. The Porters have the exclusive privilege of landing and shipping horses. They form a company amongst themselves, and share the emoluments equally. They receive 4*s.* upon every horse; the proceeds amounted last year to about 120*l.* I could obtain no information upon the origin of this privilege, nor what the ancient charge was. Porters, functions of.

The porterage of all other things within the town is regulated by one of the Pavement Acts, mentioned in section 40. The corporation porters are always licensed by the commissioners under this Act, by whom also the rate of porterage is defined.

36. The duties of the Inspector of Meat may be collected from his title. It was not known in what way he was remunerated. Inspector of Meat, functions of.

37. The Constables, though chosen from and sworn for particular wards, are expected to act throughout the town when called upon. They attend the general sessions, and perform the usual duties of constables, but are not required to watch or to act, except when called upon. They receive the usual fees for executing warrants, and have 2*s.* 6*d.* allowed to each of them out of the liberty rate, for each day on which they attend the general sessions. Constables.

38. The Freemen have the exclusive privilege of exercising trade within the town. As I was refused an inspection of the books of the corporation, I was unable to ascertain how long this exclusive privilege had existed, and what penalties had been anciently imposed for any infringement of it. One of the corporation officers gives information of any non-freeman beginning to trade within the town, and a summons is sent to him by the governing body to take up his freedom. If he refuse to do this, a decree is read to him, after which he is considered to be liable to a penalty of 6*s.* 8*d.* for every day, on which he continues trading. This generally has the effect of compelling a person to purchase the freedom, if not by any other means entitled to it. No instance was known where the penalty had been enforced, but two or three were mentioned in which persons had left the town, either from unwillingness or inability to pay the sum required. Time is generally given to persons who ask for it, and the money is often taken by instalments. In one of the instances just adverted to, of persons leaving the town, time had been refused, and the tradesman was unable to raise the money. Another instance was that of some carpenters, employed to perform a particular work, which they left unfinished. As persons cannot be admitted to the freedom by purchase until they have resided a year and a day within the town, they are allowed, upon payment of the 20*l.*, to exercise their trade at any time, and are sworn into the freedom at the expiration of this period. Until recently, persons who had paid the 20*l.* were not compelled to perfect their freedom, but at present they are called upon to do so. The widows of freemen are allowed to carry on a trade without paying the 20*l.*, but this is considered to be by sufferance only. Minors, who will be entitled to the freedom of right on attaining the age of twenty-one, are allowed to carry on trade without purchasing. Freemen, privileges of.

Under the Market Act, 7 Geo. 4. c. v., mentioned in section 46, the stallage imposed upon freemen is about one-third less than that upon non-freemen. The resident freemen only have the privilege of voting in the election of mayor, as was mentioned in section 7.

Previously to the Reform Act, the freemen had the exclusive right of voting in the elections of Members of Parliament for the town.

By the Act 6 Geo. 4, c. 125, s. 62 (Public), the master or mate of any vessel, being the owner or part owner of it, and residing at Dovor, Deal or the Isle of Thanet, is allowed to conduct his vessel from any of these places up or down the Thames or Medway, or into or out of any port or place within the jurisdiction of the Cinque Ports, without taking a licensed pilot. Complaint was made that great abuses existed in the claim to this privilege. Merchants are in the habit of making the masters or mates of their vessels nominal partners, and having them rated in the parish books as residents, in order to evade the pilotage regulations.

39. The Courts under the jurisdiction of the Corporation are, the General Sessions and Gaol Delivery, the Court of Record, and the Hundred Court. Jurisdiction of Corporation.

The General Sessions are usually held three times in the year. About twelve or fourteen years ago, a very long interval was frequently allowed to elapse between two sessions: it was stated that an interval of fifteen months had been known. A representation was about that time made to the magistrates of the hardship prisoners were often subjected to on this account, and since then the sessions have been held nearly every four months. They are held before the mayor and jurats as justices. The recorder always attends and conducts the trials, and charges the jury. The court has jurisdiction in capital felonies, and in all offences cognizable by county sessions. In case of capital conviction the mayor passes sentence. The town-clerk is clerk of the peace and of indictments. The juries are summoned by the deputy water-bailiff. By the town-clerk's evidence, given before the Committee of the House of Commons, it would appear that no list is kept of all persons eligible to serve, but that the old panels are preserved by the town-clerk, and from them the new panels are made out, persons being selected from them by the mayor and jurats. A rotation is very much observed in the selection. When it is discovered that any eligible person has been omitted, his name is put upon the pannel. The list of persons selected by the mayor and jurats is given by the town-clerk to the deputy water-bailiff. This sometimes contains a greater number than it is necessary to summon, in order that the water-bailiff may not be compelled General Sessions.

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to summon any who have served within a shorter period than usual. By this means he is able to exercise a discretion in summoning persons, but the town clerk stated that he generally returned all upon the list. The Deputy of Margate is always put upon the grand jury list, and the Sub-deputy upon that of the petty jury. The office of deputy is similar to that of high constable; he is appointed either by the justices or corporation of Dovor, probably the former. No other inhabitants of Margate or the liberties adjacent used to be ever summoned. This arrangement seems to have been made to obviate the inconvenience, which the inhabitants of those liberties stated that they suffered in having to come so great a distance. This rule seems not to have been observed at the last sessions, as several inhabitants of the liberties were on both the grand and petty jury on that occasion. Very little distinction seems to be made as to the class of persons summoned for the grand and petty jury, many persons serving on both indifferently. A member of the common council is always foreman of the grand jury. It is not unusual to summon persons not householders on the juries; in such case they are always freemen. No estimate could be formed of the average time between two successive services of the same person. The same grand and petty juries serve for two consecutive sessions. The grand jury continue in office from sessions to sessions. They are about once in the year called together between two sessions, and proceed to examine the weights and measures used in the shops: the time of their doing so is not known beforehand. They have sometimes been summoned to view nuisances and encroachments in the streets. Presentments of these have been made, and given to the town-clerk, but nothing further has ever been done upon them, the parties always remedying the subject of complaint. An instance was mentioned of the grand jury having gone to view the old gaol, which they reported to be unfit for its purpose. Up to the last sessions the grand jury have always been allowed three guineas out of the corporation fund for a dinner; this has been discontinued. I was unable to obtain any return of the number of cases usually tried at the sessions, for the reasons before given. It was stated that there were generally from twelve to sixteen cases of felony and misdemeanor in the calendar for each sessions. It was thought that two-thirds of the cases came from Margate and its neighbourhood. There are occasionally the usual borough sessions appeals, such as those against poor-rates, stopping of roads, and affiliation orders. Barristers generally attend. It was not known what the average expenses of a prosecution amounted to, but they were thought to be not more than 3*l.* 3*s.* including a counsel's fee of one guinea, which is allowed.

Petty Sessions.

Petty sessions are held every week at the Guildhall; two magistrates at least always attend.

Court of Record.

The Court of Record is held every three weeks, on the Friday, before the mayor and jurats; three of them must be present to constitute a court. The court has jurisdiction throughout the town and liberties. It has cognizance of personal actions to any amount of debt or damages. Ejectments and actions of replevin have sometimes been brought in it.

Fines also are sometimes levied in it.

Very little use is at present made of the court. Arrests sometimes take place, but all the actions, if not settled, are removed into the King's Bench. The practice of the court is not accurately known even by the officers of the court; the following instance was given as a proof of this. A person was arrested, by process out of the court, for a debt of 150*l.*, and was afterwards removed into the King's Bench, and escaped from thence: an action was commenced against the marshal, but the plaintiff was nonsuited, on account of several irregularities by the officers in the inferior court, which made the arrest and detention of the defendant illegal. The plaintiff lost his debt, and had to pay heavy costs. No estimate could be made of the costs of a suit carried to execution.

The costs in the action just adverted to were—

	£.	s.	d.
For the capias	2	2	–
Deputy water-bailiff's fee for the caption	1	1	–
Office copy of affidavit of debt	–	2	–
Return to the habeas corpus	1	5	–

A bill of costs in an action of ejectment, containing the usual steps, on judgment by default, was furnished to me, which amounted to 4*l.* 0*s.* 8*d.*

The court fees in an action of replevin, removed into the Court of King's Bench, were—

	£.	s.	d.
Replevin bond	–	10	6
Writ in replevin	–	12	0
Deputy water-bailiff for executing it	–	10	6
Entry of plaint	–	2	–
Return to certiorari, with copy and parchments	1	4	–
Copy of writ of replevin	–	2	6

Freemen are sometimes sworn in at this court.

Hundred Court.

The Hundred Court seems to have once been a court of great importance, and to have had jurisdiction over all kinds of actions and offences. It has fallen into entire disuse; its functions are now distributed amongst the Courts of General Sessions, of Record, and of the corporation meetings. The swearing in of the freemen and corporate officers probably took place originally at the Hundred Court.

Police.

40. The appointment and duties of the Constables have been already mentioned. The watching of the town is provided for by three Acts of Parliament; these are, 18 Geo. 3, c. 76; 50 Geo. 3,

50 Geo. 3, c. xxvi; and 11 Geo. 4, c. cxvii. They relate to the paving, cleansing, lighting and watching of the town, and to the prevention of nuisances in it. The mayor and jurats are commissioners under these Acts, together with 103 inhabitants. One-third of the latter class of commissioners, to be determined by lot, is to go out of office every year, and their vacancies are to be filled up by the election of others by the rate-payers. The commissioners are to elect into vacancies, caused by death or any other means than the secession by lot. Some doubt has been created by the Act using the word "rotation" instead of "lot," in the section last adverted to, but the meaning seems obvious. The qualification for the elected commissioners is residence, and the possession of freehold or leasehold property of the annual value of 20*l.* within the town and port, or of personalty to the amount of 500*l.* The election of commissioners is always made a struggle between the two political parties. Lists are made out on both sides, which are sometimes printed, of the persons for whom each party is to vote. At the last election, the town-clerk produced a printed list, which, as he stated at the meeting, was composed entirely of persons of the politics of the corporation, and that he had done so to create a balance of parties in the commission. Some part of this system may have arisen from circumstances connected with the obtaining of the last Act. Under the previous Acts, the commissioners were the mayor, jurats and common councilmen, the recorder and the two Members of Parliament, and fifty other persons, elected on vacancies by the remaining commissioners. The custom of not electing into vacancies was carried to such an extent, that, about one or two years before the passing of the new Act, there were not more than four or five commissioners besides the official ones, and of the few which were elected, nearly all were known to be of the same political opinions as the governing body of the corporation. In the new Bill which had been sent to Parliament, the same official commissioners were continued, and the same system of electing into vacancies. By this Bill a great deal of patronage was vested in the commissioners; and, as the inhabitants had found that the corporation had confined the administration of the previous Acts almost exclusively to themselves, a strong feeling was excited in opposition to the new Bill, and a petition was sent to Parliament on the subject. In consequence of this, alterations were made in the Bill, the most important of which were, the exclusion of the thirty-six common council from the official commissioners, and the election of the other commissioners by the rate-payers. From these circumstances 1,000*l.* was expended before the Act passed. Meetings are held whenever they are necessary, seven commissioners are a quorum. Committees are generally appointed for managing the different departments of business. The rating is to be upon the owners of premises, but to be paid by the occupiers, and deducted out of their rent, except in certain cases specified: the tenant is, in fact, almost always rated. The maximum rate in the year is 2*s.* in the pound upon the annual value, but, in practice, it is made on the poor-rate assessment, which is not more than one-third, and in some cases one-fourth, of the rack-rent. The usual rating in the year is one shilling in the pound, which, after deducting the collector's commission of about two and a half per cent., last year produced 628*l.* 10*s.* Under the first Act the commissioners are authorized to take tolls on the roads between Dovor and Canterbury. These are collected with the tolls of the Turnpike Trust: they are at present let, with the latter, for 636*l.* 3*s.*, being estimated at five-elevenths of the whole toll taken at one of the turnpikes. The commissioners are also entitled to a duty of 2*s.* on every chaldron of thirty-six bushels, or ton, of coals imported, and landed within the town and port. The amount received last year was 1,677*l.* 17*s.* 3*d.* Certain fines are given by the Act, which are very trifling, and amounted last year to 1*l.* 18*s.* 7*d.* There are nine night watchmen and one night constable appointed, and three day policemen. The watchmen are not efficient men, some of them being old. It was thought that they were not of much further use than for giving notice of and preventing fire. The night constable is the superintendent of them. The day police are considered to be very efficient. The expense of the watchmen last year was 357*l.*, of the day police, 148*l.* 4*s.* The lighting is done by a gas company, on a continuing contract for twenty-one years, nine of which have expired: the amount paid varies according to the number of lamps required. The charge for lighting last year was 464*l.* 1*s.* 4*d.* The paving was considered to be tolerably good; the expenditure upon it last year was about 700*l.* There is a debt of 9,475*l.* on mortgage, upon which interest at four-and-a-half per cent. is paid, and an annuity debt of 170*l.* The clerk has a salary of 30*l.*, and the surveyor one of 30*l.* 10*s.*: the latter is not allowed any per centage.

Paving and Watching Acts.

By the second of the Acts just mentioned, the commissioners are empowered to license such a number of Porters as they may think necessary, who have the exclusive privilege of plying for hire within the town. There is, however, a saving in the Act of all powers and privileges of the corporation. The latter body exercising the privilege of licensing porters, the commissioners under the Act grant their license to the six corporation porters. As was mentioned in section 35, the latter only have the privilege of landing and shipping horses. One shilling is paid to the clerk upon each license. The rate of porterage under the Act is defined by the commissioners. Twenty-four persons are licensed at present. The commissioners have authority to license hackney-coaches and other carriages.

Appointment of Porters.

No complaint was made as to the administration of the Acts.

41. On the line of road leading to Canterbury, the town has extended itself to some distance beyond the liberties. A few houses have been recently built at the eastern extremity of the town, under the Castle Cliffs, on extra-parochial ground, which are also without the liberties. The new Parliamentary boundary has included both these suburbs, without taking in much rural district. There is no other part of the population without the liberties; it would seem therefore to be desirable that the municipal borough should be made to coincide with the Parliamentary.

Whether the jurisdiction requires extension.

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Court of Requests.

42. The Act establishing the Court of Requests is the 24 Geo. 3, sess. 1, c. 8: the operation of it extends over a continuous district, to a distance of about four or five miles from Dovor, including the precinct of the Castle. The commissioners appointed by the Act are, the mayor, recorder, jurats and common council, the Members of Parliament for the town, and twenty-five other persons, being householders and resident within the town and port. Besides these qualifications, the possession of a real estate of the clear yearly value of 30*l.* or of a personalty to the amount of 500*l.* is requisite. On the death, or election into the common council, of any of the householders, or in case of any of them neglecting to act for a whole year, the commissioners are to elect others in their places. It was not known whether the full number of commissioners was kept up. One of the jurats is clerk to the commissioners, as well as a commissioner himself; his clerk usually attends as clerk for him. A court is held every month; three commissioners are a quorum. Some time ago there was a great difficulty in procuring the attendance of a sufficient number of commissioners; in consequence of which, the corporation commissioners made an arrangement amongst themselves to attend regularly in rotation, or to find other commissioners to attend in their places; this has ensured a quorum at every court. Eight in rotation are to be summoned for every court. A casting vote at all courts and meetings is given to the mayor, if present; if he be not, then to the recorder; if he be not present, then to the senior jurat present, or, in failure of jurats, to the senior common councilman; and in the absence of all these, to that commissioner present whose name is first on the list. The debts recoverable in the court are those above 2*s.* and under 40*s.* The balance below 40*s.*, of a debt originally above that sum, is considered to be cognizable by the court. A person is allowed to sue in the court for a claim under 40*s.*, though the real demand be above, if he choose to take this in discharge of the whole debt. The jurisdiction of the court does not extend to real contracts; there are also several other causes of action excepted. No attornies are allowed to practise in the court. There is a power of execution against either the body or goods. Every creditor is compelled to allow the debtor three-pence a day, while in prison at his suit. The commissioners have a power of ordering debts to be paid by instalments. It was thought that the average number of suits was about thirty each month, and the number of imprisonments about twelve in the year. The period of imprisonment is regulated by the general Acts, and is twenty days for debts under 20*s.*, and forty days for debts of 20*s.* and upwards to 40*s.* The expenses of a suit are 5*s.* 3*d.*; 2*s.* 10*d.* being for the summons, and 2*s.* for execution. There were conflicting opinions given as to the beneficial operation of the Act. The clause, which compels the creditor to allow his debtor three-pence a day while in prison, seems to have prevented many persons from suing in the court, and was much complained of by some, who stated that they had always been losers by suing, whilst others stated that they had always recovered their debts without trouble or expense. Nearly every one thought that an extension of the jurisdiction to debts of 5*l.* would be very desirable. There were, however, some dissentients from this opinion, but their reasons seemed to apply to all small-debt courts, as tending to encourage a prejudicial system of credit.

Liberty Rate.

43. The Liberty Rate, which is in the nature of a county rate, seems to have been first imposed in 1794. The cause of it was stated to be, the corporation's having got into debt. Since that time, it was thought that there had been a rate every year. It is made by the justices at the general sessions upon all the parishes and parts of parishes within the town and liberties. The order is made upon the churchwardens and overseers, and contains the amount to be levied upon each parish, but no assessment in the pound. What is called a full rate produces 1,448*l.* 17*s.*: this is rather more than 1*s.* in the pound on the poor-rate assessment, and that is calculated in the two parishes, which comprehend nearly the whole town of Dovor, at one-third of the rack-rent. The following are the proportions levied upon the different parishes:—

	£.	s.	d.
St. Mary's	547	5	6
St. James'	117	4	6
St. John's (Margate)	427	19	–
St. Peter's	160	14	6
Ville of Wood	32	15	6
Birchington	43	1	–
Ringwould	35	17	–
Charlton (Within)	48	–	–
Houghan (Within)	36	–	–
£.	1,448	17	–

The full rate is imposed about every other year, and in the alternate year a rate equal to about one-half or two-thirds of it. It is not collected all at once, but portions of it are called for as they are wanted. The chief expenditure is that connected with the gaol. The gaoler has a salary of 80*l.* and the treasurer one of 10*l.* The town clerk has always been treasurer until within a short time ago, when the chamberlain of the corporation was appointed. Since 1830, an abstract of the receipts and disbursements has been regularly published. Before that time considerable discontent existed in the town with reference to the rate. The overseers of one parish refused to pay any more money, until they should be directed to do so by a meeting of rate-payers. In consequence of this, the accounts were submitted for inspection at a vestry meeting, and an analysis of the expenditure for ten years, commencing in 1820, was published by the select vestry. One great subject of complaint was, the manner in which

which the building of a new gaol had been conducted. It does not appear that any preference had been shown in the employment of the architect, as advertisements for tenders took place, and the lowest was accepted. The only two members of the governing body, who at that time exercised such trades as were required in the building of the gaol, were employed. The bill of one of them, who is a jurat, amounted to 249*l.* 19*s.* 7*d.*; the bill of the other, who is now a jurat, and was then either jurat or common councilman, amounted to 293 *l.* 11*s.* 1*d.* It was thought that the preference given to tradesmen, who were members of the governing body, still continued. The expenditure upon the gaol, in the 10 years, was 6,169*l.* 10*s.* 1*d.* Besides this, expenses were incurred in law-suits, arising out of disputes with the contractors, to the amount of 2,076*l.* 4*s.* 6*d.* This includes a charge of 71*l.* 9*s.* 6*d.*, incurred in defending the surveyor, who was indicted for perjury by the contractors.

Gaol.

44. The Gaol, though not built above 12 or 13 years ago, seems to be deficient in many important particulars. The sleeping cells and passages are too small and close, and there are not sufficient means of ventilation; some of the cells are intended for six or eight persons, who are disposed of by putting one bed over another. There are two day-rooms for male prisoners, leading out of small yards, and a day-room and sleeping cells for females. There is a tread-wheel, but there are no means of converting it to any use. There are usually from 20 to 25 prisoners in confinement, so that little or no classification can be expected. The untried and convicted prisoners are not always kept separate; the gaoler uses his discretion as to the persons to be placed in each of the rooms. There are two small cells used as a bridewell, for vagrants or prisoners in a dirty or unhealthy state: there is also a room used as an hospital for invalids. There is a room appropriated for persons arrested by writs out of the court of record: the persons in execution from the court of requests are placed with the felons. There seems to be little or no means of enlarging the gaol, as the public thoroughfares nearly surround it. Complaint was made of the prison arrangements by a person, who was in the year 1833 imprisoned in default of paying a fine, imposed on him for an assault. He stated that he was obliged to sleep with a person who had been sentenced to death, in a small cell, in which were six other felons, and that the bed-clothing was in a disgusting and unhealthy state. He wrote to the mayor while in prison, but received no answer, and he said that he was unable to get a personal communication in the prison with any of the justices. He said that he had seen some of the justices in the prison once, but they were there, not for the purpose of visiting, but consulting upon some alterations, and he did not wish to interrupt them. The gaoler denied that the bed-clothing was unclean, but said that the rest of this statement was true. He stated that there were no particular times for the justices to visit the gaol, but that there was never a month without some justice calling, though there might probably be a fortnight. He said that the justices, on visiting, did not generally go into the prisoners' wards, but merely called at his house to ask if he had any complaints or representations to make. It was also made a matter of complaint by the person above-mentioned, that he was not allowed to work at his trade in the gaol, although a convicted felon was employed in the gaoler's kitchen to work for the latter's family, for which he received some remuneration. The gaoler stated that he had authority for employing any of the prisoners who were sentenced to hard labour, but that the person complaining was not so sentenced, and that he wished to work, not for the gaoler's, but for his own benefit. There did not appear to be much foundation for complaint on the part of this individual on this subject. I had no means of learning from any of the magistrates what discretion is allowed to the gaoler as to the employment of prisoners. No clergyman ever attends the gaol. The gaoler has a salary of 80*l.*: there is an assistant-gaoler, whose duties were mentioned in section 32; he has a salary of 20*l.* Both the salaries are paid out of the rate mentioned in the preceding section.

Poor.

45. Each of the two parishes of the town maintains its own poor separately. The poor-rates in St. Mary's parish amount to 12*s.* or 13*s.* in the pound in the year; those of St. James' to 8*s.* or 9*s.* The assessment in both parishes is estimated at one-third of the annual value. The former parish comprehends most of the old and densely peopled parts of the town, which accounts for the large amount of rates.

Markets.

46. The Markets and Market-tolls are regulated by the Act 7 Geo. 4, c. v. Considerable dissatisfaction exists with respect to this Act, and to the manner it which it was obtained by the corporation. When the inhabitants first heard that application was being made for the obtaining of this Act, they convened a meeting. At this some of the corporation attended, and produced a draft of the Bill. This being unsatisfactory to a majority of the inhabitants, persons were appointed, on the part of the corporation and of the inhabitants, as a committee to agree upon some modification of the objectionable clauses. From negligence, as it would appear, on the part of the inhabitants, some of the persons appointed on their behalf took no further trouble in the matter, and when others attended the committee, they found so great a preponderance of members of the corporation, that opposition was useless. One individual was mentioned, as having ceased acting on this account. By this Act the corporation were empowered to purchase premises for enlarging the market-places, and to collect tolls not exceeding those mentioned in a schedule. Power is given to them to appoint collectors and inspectors, and to make regulations for holding the markets, with power to search for and seize unwholesome food. There is a clause authorizing the corporation to permit persons to hawk provisions, and to impose tolls on the articles hawked, not exceeding those specified in a schedule. There is also a power given to borrow money. Complaint was made that, through mismanagement, a loss of between 500*l.* and 600*l.* had been occasioned by the building of a fish-

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market, which was afterwards pulled down, and the erection of another on a different site. It was stated that the tolls imposed by the Act were much higher than those which had previously been collected. The town-clerk, in his evidence before the Committee, stated that there was a debt of 5,500 *l.* on the market tolls, for which the other property of the corporation was not considered liable. The corporation a short time ago advertised for a loan of 5,800 *l.*, in order to pay off this debt and reduce the rate of interest, which was five per cent. upon nearly the whole of the debt. The town-clerk also stated that the surplus of the tolls, above the interest of the debt, and the lighting, rating and other expenses of the market, were probably 40 *l.* The tolls are at present let on a lease of three years, at an annual rent of 482 *l.*

The butchers' market is held twice in the week, and the fish, poultry and vegetable market every day.

Provision is also made in the Market Act for discontinuing the custom of electing Members of Parliament and the mayor in one of the churches, and for holding the elections elsewhere.

Fairs.

47. There is a Fair held once in the year, but it is not of any consequence; it is held in the market area, and continues over three market days. The corporation takes stallage, proportioned to the length of the stall, at the rate of 2 *s.* a foot. The average of the fair money, estimated on the last three years, is 83 *l.* 18 *s.*

Patronage.

48. It was not known that the corporation possessed any patronage.

Licenses.

49. There are seventy-three licensed public-houses within the town and port. Of these, twenty-five belong to one firm of brewers. One of the firm is a justice; his partner was a justice, but resigned about two years ago; the remaining partner is a common-councilman. The first-mentioned of these partners is related to other three of the justices, one of them being his brother. This firm has been connected with the corporation as long as can be remembered. Other seventeen licensed houses belong to another brewer; he was a common-councilman, but resigned a short time ago. He has, or lately had, the following relations amongst the justices, father, two uncles, one cousin and two brothers-in-law; they were, probably, not all justices at the same time. There are twenty-two houses not in the hands of brewers. There has been only one new license granted since 1824, this was to the gaoler, who gave up his office, it was thought, on condition of having a license granted. There have been several applications for licenses since 1826, which have been refused. A strong belief exists among several of the inhabitants, that the justices have granted and refused licenses from improper motives. The circumstances above mentioned were strongly pressed upon my attention, as corroborative of this. It was stated that persons, such as soldiers and sailors and their sons, who are entitled under Acts of Parliament to carry on trade within corporate towns, were never licensed, until they had purchased their freedom. No instance of this was fully substantiated, but two or three cases were mentioned, which tended to an inference of it.

The licenses at Margate are granted by the Dovor justices, some of whom go over for this purpose once in the year. It was stated by an individual, who said that he had received the information from publicans, that it was customary for the licensed publicans to pay the travelling expenses of the justices, and to provide them a dinner on their arrival.

Revenue.

50. The following Account was furnished by the chamberlain of the corporation to the Committee of the House of Commons:—

AN ANALYSIS of the RECEIPTS and PAYMENTS of the Corporation of *Dovor*, from the 10th day of October 1829 to the 10th day of October 1832.

	1829–30.			1830–31.			1831–32.		
RECEIPTS:	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
Water Bailiff's Fees	134	13	8	123	15	–	116	12	9
Coal Money	40	2	1	33	14	–	42	12	6
Freedoms	400	–	–	300	–	–	360	–	–
Composition Money	3	8	–	3	8	–	3	8	–
Old Debts, being the balance in the Chamberlain's hand on passing their former account	1	19	10	140	2	7	68	11	1
Fines and Amerciaments	4	–	–	–	16	8	2	3	4
Dividends of Stock	6	–	–	6	–	–	6	–	–
Fair Money	75	7	–	97	14	–	78	13	6
Rents and Encroachments	8	9	–	8	9	–	8	9	–
Money at Interest	–	–	–	–	–	–	357	12	7
TOTALS £.	673	19	7	713	19	3	1,044	2	9
Total amount of Payments, as per other side	533	17	–	645	8	2	848	–	8½
BALANCES in hand £.	140	2	7	68	11	1	196	2	–½

Payments:	1829–30. £.	s.	d.	1830–31. £.	s.	d.	1831–32. £.	s.	d.
Coalmeters for Measures	4	2	–	4	16	–	5	9	–
Rates	34	2	–	28	14	6	35	–	–
Dinners	47	5	–	57	15	–	52	10	–
Ringers	2	–	–	3	10	–	2	16	8
Salaries	186	1	–	190	–	–	190	–	–
Hugesson's Gift	3	–	–	3	–	–	3	–	–
Fair Expenses	3	11	2	5	16	2	6	3	10
Liveries	27	5	–	-	-	-	42	2	6
Police (being an annual donation towards its support)	-	-	-	-	-	-	10	–	–
Dogs (destroyed during prevalence of canine madness)	–	15	6	-	-	-	2	15	9
Dawkes' Gift	2	–	–	2	–	–	2	–	–
Sessions (being the usual allowance for the Grand Jury)	6	6	–	-	-	-	6	6	–
Mayor's Choice	45	14	6	43	–	–	42	5	–
Insurances	-	-	-	11	–	–	4	2	6
Fires, &c.	-	-	-	31	6	9	10	4	2½
Town Clerk's Bills	50	8	–	36	16	3	51	2	9
Election Expenses, in defending Petition presented against the Returning Officer	-	-	-	-	-	-	357	12	7
Constables at Elections	100	13	–	39	5	–		—	
Ditto - on other occasions	1	5	–	–	15	–		—	
Quit-rents	1	1	4	–	10	8	–	10	8
Fire-engines	1	5	–	1	5	–		—	
Carpenters for Court-hall	–	8	–	100	8	–		—	
Stone-mason for boundary Stones	-	-	-	28	2	9		—	
Upholsterer for Court-hall	-	-	-	33	12	5		—	
Interest	-	-	-	-	-	-	17	17	7
Proclamation of His Majesty's Accession to the Throne	10	8	–		—			—	
Stamps and Stationery	2	1	2	13	3	7	1	8	9
Postages	1	3	6	2	19	8	–	12	5
Incidental Expenses	3	1	10	7	11	5	4	–	6
Totals £.	533	17	–	645	8	2	848	–	8½

Water Bailiff's Fees.

The office of Water Bailiff was stated by the town clerk, in his evidence before the Committee, to be derived from a grant by Queen Anne. The mayor, jurats and common council are considered the water bailiff, and the fees are paid into the corporation fund.

They are in the nature of duties upon shipping, and upon goods imported and exported. One shilling is taken upon every foreign vessel, and sixpence upon every English vessel, which enters the harbour. This was thought to be the rate of duty, but no one who attended the inquiry was able to speak positively as to it. These duties are collected by the person who collects the duties of the harbour commissioners, by some arrangement between him and the corporation. The duties upon goods are wharfage dues. It was thought that they attached upon foreign imports and exports only; but I was unable to ascertain accurately the nature of them, and manner of collection. By a return made to Government from the Custom-house in 1833, in which the water bailiff's fees are entered as furnished by the town clerk, the following appear to be the principal items:—

English vessels, 6*d.* each.
Foreign vessels, 1*s.* each.
Bales, 4*d.* each.
Cases, 2*d.* each.
Tons, 4*d.* per ton.
Corn, 4*d.* per 20 quarters.
Loads of sundries, 4*d.* per load.
Horses, 8*d.* each.
Coaches, 1*s.* each.

The town clerk stated to the Committee that there was no table of them. The water bailiff's fees, in the Custom-house return, for the three years 1830, 1831 and 1832 respectively, amounted to 158*l.* 9*s.*, 145*l.* 11*s.*, 137*l.* 9*s.* The difference between these sums, and the corresponding ones in the chamberlain's return to The House of Commons, may probably be accounted for by one of them furnishing the gross and the other the net amount of fees.

Coal Money.

The Coal Money is derived from what are called the corporation droits. Two-pence a chaldron is taken by the corporation upon all coals landed within the port, a drawback of 5*s.* upon each vessel being deducted by the master. An account was given of the toll upon coals taken by members of the corporation from the vessels not of the port, in sections 21, 27 and 29.

DOVOR.

Freedoms

The purchase of Freedoms was mentioned in section 18.

Composition Money.

The origin and consideration of the Composition Money are not known by the corporation. It is a payment by some of the liberties of Dovor, namely, St. John's, 1*l.* 6*s.* 8*d.*; St. Peter's, 16*s.* 8*d.*; Birchington, 16*s.* 8*d.*; and Ringwould, 8*s.*: the Ville of Wood pays nothing.

Fines and Amerciaments.

The Fines and Amerciaments consist of the fees paid to the corporation on the admissions to the freedom by apprenticeship, mentioned in section 18. The town clerk stated to the Committee, that this fee of 3*s.* 4*d.* was called bucket money. It was supposed that it was intended as a contribution towards purchasing water buckets for the fire-engine, a payment of this kind by some of the members of the corporation being customary at Canterbury, and also at Faversham, the latter of which is a limb of Dovor. When the Pavement Commissioners took the management of the fire-engine, pursuant to the Act, an application was made to the corporation to pay over to them these fees in future. This was refused, on the ground that there was nothing in the books of the corporation to show that such an appropriation of the money had ever been made.

Dividends of Stock.

The Dividend of 6*l.* was stated by the town clerk, in his evidence before the Committee, to be derived from 200*l.* Consols.

Fair Money.

The nature of the Fair Money payment was mentioned in section 47.

Rents and Encroachments.

In many cases the property from which the rents arise is not known even to the corporation. No property seems to have been recently let.

Money at interest.

The sum of 357*l.* 12*s.* 7*d.* was borrowed, in order to pay the mayor's expenses, in defending himself on a petition to The House of Commons, against some proceedings of his as returning officer.

Expenditure.

Most of the items of Expenditure in the above analysis need no explanation; a few of them will be noticed.

Dinners.

The following appear by the town clerk's evidence to be the Dinners given by the corporation during the year, and the sums allowed for them: 10*l.* 10*s.* on the mayor's choice, 10*l.* 10*s.* at each general session, 5*l.* 5*s.* on the day before each session, 5*l.* 5*s.* on the day on which the fair money is collected, and 5*l.* 5*s.* whenever there is an election for the returning officer.

Salaries.

The Salaries, as far as they were known by the inhabitants, were mentioned in the account of the functions of the several officers.

Hugesson's and Dawkes' Gifts.

Hugesson's and Dawkes' Gifts were supposed to be charitable donations, of which the corporation are trustees; but nothing was known as to them.

Fair expenses.

The Fair Expenses are incurred in putting up stalls.

Mayor's choice.

The sums headed Mayor's Choice are the amount of the shillings paid to the freemen who vote at the election of mayor, as mentioned in section 7.

Population and state of the Town.

51. The following Table gives the Population and number of Inhabited Houses in the two parishes of Dover, and in the distant parishes forming the liberties of Dovor. No separation has been made in the three first periods of the population in the parts of Charlton and Hougham parishes within and without the town and port. This was done in the census of 1831, and the numbers are given below.

	POPULATION.				INHABITED HOUSES.			
	1801.*	1811.*	1821.*	1831.†	1801.*	1811.*	1821.*	1831.†
Dovor - St. James	7,084	9,074	10,327	2,169	1,708	1,780	1,846	372
Dovor - St. Mary				9,753				1,723
Hougham (within) ‡	306	335	420	777	47	52	58	121
Ditto (without)	- -	- -	- -	374	- -	- -	- -	59
Charlton (within)	279	600	791	1,637	48	114	116	300
Charlton (without)				83				15
Margate	4,766	6,126	7,843	10,339	1,004	1,229	1,345	1,808
St. Peter's, Broadstairs	1,568	1,943	2,101	2,342	356	432	461	474
Birchington	537	614	700	843	100	117	119	133
Wood	145	163	212	292	25	17	32	43
Ringwould	293	399	495	566	58	77	94	99

The great increase of Charlton may be accounted for by the fact of its adjoining Dovor, and the town extending itself in that parish. The increase of Margate is owing to the great resort of visitors. The town of Dovor presents the appearance of a good deal of traffic, and

* Marshall's Statistics.

† Census of 1831.

‡ Marshall's Tables give these returns for 1801, 1811 and 1821, for part of the parish; but as this part is probably not confined either to that within or that without, the statement above is probably not correct.

was

was stated to be upon the whole in a thriving state. A great number of good houses have been recently built near the sea on the eastern part of the town, which are readily let. The number of visitors frequenting the town has very much increased, and this has created additional employment. The poor-rates have not increased, but this is in some measure owing to an improvement in the management, for there is great poverty and want of employment in the old parts of the town amongst that class of the population which depends upon the shipping. The chief cause of this was thought to be the introduction of the steam packets, and the almost entire disuse of the sailing packets. The shipwrights, sailmakers and artisans of this kind, have no doubt suffered much from the change, as have also the sailors of the town, the steam vessels requiring much fewer hands. Before the steam navigation began, there were from 25 to 30 sailing packets plying between Dovor and Calais and Bologne; there are now seven English and one French steam packets. It will be some time before the balance of employment is adjusted. There are some large paper-mills in the neighbourhood, which are doing a great deal of business. There was at one time a great quantity of corn ground in the town and neighbourhood for the London market, but, since the introduction of steam to mills of this kind, this has been done in London or its neighbourhood. The great subject of interest to the inhabitants of Dovor is the state of their harbour; upon this, no doubt, the prosperity of the town very much depends. There is a great difference of opinion in the town as to the way in which the affairs relating to the harbour have been managed. Several persons represented that the Board of Commissioners was very ill constituted for managing such a concern. The mayor is a commissioner, but he interferes very little in the management, which devolves chiefly upon persons not connected with or resident in the town.

The following Account of the Imports, Exports and Duties will show the variation in the trade of the port.

PORT OF DOVOR.

YEARS:	INWARDS from Foreign Parts.		OUTWARDS to Foreign Parts.		COASTWISE, including IRELAND.				Number and Tonnages of Vessels belonging to the Port.	
					INWARDS.		OUTWARDS.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	
1810	33	3,563	31	3,202	-- During these years, accounts were not kept of ships and tonnage of coasters - -				157	9,216
1811	7	1,009	11	1,410					166	9,755
1812	17	3,108	18	3,059					166	9,618
1820	1,172	58,658	1,157	57,361	374	32,538	167	12,358	107	5,222
1821	1,243	60,707	1,221	58,821	349	30,363	169	12,506	104	5,059
1822	975	50,416	974	49,917	397	34,539	165	12,210	102	4,480
1830	909	47,198	926	47,266	371	35,435	119	9,797	116	5,301
1831	1,012	53,685	1,012	52,480	427	37,121	206	15,695	119	5,354
1832	1,040	53,807	1,039	52,924	519	41,810	261	16,176	119	5,397

AN ACCOUNT of the Gross Amount of Duties of Customs received at this Port, in each of the last 20 Years.

YEARS:	Amount of Duties. £.	s.	d.	YEARS:	Amount of Duties. £.	s.	d.
1814 - - -	34,138	8	1	1824 - - -	47,580	1	8
1815 - - -	39,958	2	2	1825 - - -	54,648	3	11
1816 - - -	32,293	6	7	1826 - - -	42,872	15	8
1817 - - -	35,444	2	6	1827 - - -	64,186	11	9
1818 - - -	42,853	1	5	1828 - - -	64,800	8	11
1819 - - -	40,856	14	11	1829 - - -	69,707	13	3
1820 - - -	36,394	5	7	1830 - - -	70,084	14	7
1821 - - -	36,464	3	7	1831 - - -	68,373	13	–
1822 - - -	35,071	6	8	1832 - - -	79,112	3	–
1823 - - -	41,960	6	2	1833 - - -	92,702	8	8

DOVOR.

In the foregoing returns is included the trade of Folkstone, Hythe and Romney. The number of vessels entering and leaving those ports in the three last years, ending 5th January 1834, is as follows:—

		YEARS:		
		1831.	1832.	1833.
Folkstone (Creek):				
Foreign trade			nil.	
Coasting trade	Vessels with cargoes inwards	67	91	74
	Ditto - - ditto - - outwards	36	57	37
Hythe (Out-station):				
Foreign trade			nil.	
Coasting trade	Vessels with cargoes inwards	38	44	43
	Ditto - - ditto - - outwards		nil.	
Romney (Out-station):				
Foreign trade			nil.	
Coasting trade	Vessels with cargoes inwards	6	7	6
	Ditto - - ditto - - outwards		nil.	

The tonnage at Hythe and Romney would average about 120 tons each vessel; that at Folkstone about 90 tons each vessel.

Local Acts.

52. The following are the local Acts relating to the town:—

11 & 12 W. III. c. 5. An Act for the Repair of Dovor Harbour.

2 Anne, c. 7. An Act for enlarging the Term of Years granted by an Act passed in the Session of Parliament held in the eleventh and twelfth years of King William the Third, for the Repair of Dovor Harbour.

4 Geo. I. c. 13. An Act for enlarging the Term of Years granted by the Acts of the eleventh and twelfth years of King William the Third, and second and third years of Queen Anne, for the Repair of Dovor Harbour.

9 Geo. I. c. 30. An Act for completing the Repairs of the Harbour of Dovor, in the County of Kent, and for restoring the Harbour of Rye, in the County of Sussex, to its ancient Goodness.

11 Geo. II. c. 7. An Act for continuing the Term and Powers granted and given by the Acts passed in the eleventh and twelfth years of the Reign of King William the Third and in the ninth and tenth years of the Reign of his late Majesty King George, for repairing the Harbour of Dovor, in the County of Kent, and for restoring the Harbour of Rye, in the County of Sussex, to its ancient Goodness.

31 Geo. II. c. 8. An Act for enlarging the Terms and Powers granted and continued by several Acts of Parliament, for repairing the Harbour of Dovor, in the County of Kent.

18 Geo. III. c. 76. An Act for better paving, cleansing, lighting and watching the Streets and Lanes in the Town of Dovor, in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle, in the same Town and County, and for removing and preventing Nuisances and Annoyances therein.

24 Geo. III. sess. 1. c. 8. An Act for the more easy and speedy Recovery of Small Debts within the Town and Port of Dovor, and the Parishes of Charlton, Buckland, River, Ewell, Lydden, Coldred, East Langdon, West Langdon, Ringwould, Saint Margaret's At Cliff, Whitfield otherwise Beausfield, Guston, Hougham otherwise Huffham, Caple le Fern, and Alkham, and also the Liberty of Dovor Castle, in the County of Kent.

26 Geo. III. c. 11. An Act for enlarging the Term of several Acts of Parliament, for the Repair of Dovor Harbour.

34 Geo. III. c. 112. An Act for better regulating the Harbour of Dovor, in the County of Kent.

47 Geo. III. sess. 2. c. lxix. (Local and Personal, Public.) An Act for enlarging the Term, and altering the Powers of several Acts, for the Maintenance and Repair of the Harbour of Dovor, in the County of Kent.

DOVOR.

50 Geo. III. c. xxvi. (Local and Personal, Public.) An Act to amend an Act made in the eighteenth year of his present Majesty, for paving, cleansing, lighting and watching the Town of Dovor, and for removing and preventing Nuisances and Annoyances therein.

54 Geo. III. c. xcvii. (Local and Personal, Public.) An Act for the Relief of poor Debtors, and others, confined within the Gaol of Dovor Castle.

3 Geo. IV. c. xv. (Local and Personal, Public.) An Act for lighting the Town and Port of Dovor, and Places adjacent, in the County of Kent, with Gas.

7 Geo. IV. c. v. (Local and Personal, Public.) An Act for enlarging the present Market, and establishing Fish Markets, in the Town and Port of Dovor, in the County of Kent, and for removing the Elections of Members and of Mayors of the said Town, from the Church of Saint Mary the Virgin, in Dovor.

9 Geo. IV. c. xxxi. (Local and Personal, Public.) An Act for more effectually maintaining and improving the Harbour of Dovor, in the County of Kent.

11 Geo. IV. c. cxvii. (Local and Personal, Public.) An Act to amend two Acts of his late Majesty, for paving, cleansing, lighting and watching the Town of Dovor, and for removing and preventing Nuisances and Annoyances therein.

53. Copies of the following documents are transmitted with this Report:— Documents.

(1.) Bill of Costs in an Action of Ejectment in the Court of Record.

(2.) Table of Fees taken by the Officers of the Court of Requests.

(3.) An Abstract of the Receipts and Disbursements on account of the Dovor Town Rate, from the 15th May 1820 to the 25th February 1830.

(4.) Table of Market Tolls.

(5.) Custom-house Return, made to Government in the year 1833, of the Duties levied on Shipping and Goods by the Corporation and by the Warden and Assistants of the Harbour.

D. Maude.

REPORT

ON

THE BOROUGH OF FAVERSHAM.

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BOROUGH OF FAVERSHAM.

1. THE Borough of Faversham comprehends nearly the whole of what may be called the town of Faversham; but it does not extend over the whole parish, nor is it altogether included within the parish. The town is situated about half a mile to the north of the road leading from Rochester to Canterbury; the borough extends as far as this road, and is bounded by it for a short distance. The whole of that part of the village of Ospringe on the north side of the road is within the parish of Faversham; but only a few of the houses are within the borough. About 12 houses within the borough and town of Faversham are in the parish of Ospringe; with this exception, the borough does not extend beyond the parish. There are, however, two small portions of another parish, which form part of the town, as will be mentioned in sect. 57. Limits of the Borough.

2. Henry 3 granted a Charter, bearing date the 4th of June, in the 36th year of his reign. This is a grant to the barons of Faversham of freedom from toll, and from all custom of selling and buying in England and Normandy, with soc, sac, thol and them. They were to have infangthef, and were to be wreck-free. They were to be quit of shires and hundreds, and to have den and strond at Yarmouth. They were not to plead elsewhere than at Shepway. First Charter of Henry 3.

3. Henry 3 granted a second Charter, bearing date the 20th of November, in the 46th year of his reign. This charter states, that disputes had arisen between the abbot of Faversham and the barons of the town, respecting infangthef and outfangthef to be made within the town, and that it had been agreed between the parties, that the abbot and his successors should for ever hold, in the abbot's court, pleas of the liberty, and all other pleas within the town belonging to the liberty of the Cinque Ports, saving the pleas of the court of Shepway. Second Charter of Henry 3.

4. Edward 1, by a Charter dated the 14th of November, in the 30th year of his reign, granted to the barons of Faversham freedom of all amerciaments and trespasses by them formerly committed against the King or the lord warden. First Charter of Edward 1.

5. Edward 1 granted another Charter, also dated the 14th of November, in the 30th year of his reign. This contains a confirmation of all former liberties, in consideration of good service performed and to be performed, and of a fine of 500 marks, and a grant of other liberties, and freedom from various kinds of toll. The barons were to have their findalls in land and sea, and their honours in the King's court. They were to be quit of shires and hundreds, and of summons before justices of assize. They were not to plead any where but at Shepway, nor to be put on any assizes, juries or recognizances. They were to be quit of prisage of wine. These liberties they were to enjoy, as fully as the King's ports enjoyed them in the times of Edward the Confessor, William the 1st, and other kings. There is a provision that the lord warden shall enter to do justice, in default of their doing so. The barons of Faversham were to do their service of shipping within the ports. The Crown was not to have the wardship or marriage of their heirs in respect of land which they held within the liberties, of which they did their service, and of which the Crown had not had the wardship or marriage in previous times. Second Charter of Edward 1.

6. Edward 3, by a Charter dated the 12th of July, in the 38th year of his reign, confirmed the first charter of Henry 3, and the last charter of Edward 1, both of which are set out. Charter of Edward 3.

7. Richard 2 granted a Commission, to certain persons named in it, to inquire into and determine certain disputes which had arisen between the mayor and commonalty and the abbot of Faversham, respecting some infringement of the liberties of the latter. This commission is dated the 15th of March, in the 11th year of the King's reign, and sets out the charter of Edward 1 mentioned in sect. 5. The return by the commissioners to the King is also in the possession of the corporation of Faversham. Inquisition by Richard 2.

8. Henry 5, by a Charter dated the 13th of March, in the seventh year of his reign, granted to the corporation the privilege of having a mace carried before the mayor. First Charter of Henry 5.

9. Henry 5 granted a second Charter, dated the 2d of September, in the ninth year of his reign. This charter recites and confirms former liberties; it also grants, that the steward, marshall, and clerk of the market, of the Royal household shall not interfere in their respective offices within the town of Faversham. Second Charter of Henry 5.

10. Henry 6 granted a Charter, bearing date the 5th June, in the 12th year of his reign. This charter sets out three charters granted to the Cinque Ports by Edward 1; one dated the 17th of June, in the 6th year of his reign, and the other two dated the 28th of April, in the 26th year of his reign, all of which are noticed in the Introductory Report on the Cinque Ports. First Charter of Henry 6.

It also sets out the charter of Edward 3, mentioned in sect. 6, and that of Henry 5, mentioned in sect. 9. All these charters it confirms "with the consent of the lords spiritual and temporal."

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Second Charter of Henry 6.

11. Henry 6 granted a second Charter, dated the 28th November, in the 25th year of his reign. This charter recites, that, for their good service, Edward 1 had granted to the barons of Faversham, that they should not plead elsewhere than at Shepway, nor be put on assizes, juries or recognizances, with a proviso, that on their failing to do full justice, the lord warden should enter. The charter then states, that the barons had bestowed their services for him and his predecessors, notwithstanding which some of his predecessors had unjustly compelled the mayor, barons and commonalty to make certain annual payments to the constable of Dover Castle and warden of the Cinque Ports, without any cause; and that, contrary to the above-mentioned charter of Edward 1, they had been compelled to answer in pleas in the court of the constable and admiral of the ports out of Shepway. The charter then grants to the mayor, barons and commonalty, that they should not plead elsewhere than at Shepway, nor be put upon assizes, juries or recognizances, so that they did their full service of ships for 15 days. They were also to be exonerated from the above annual payments to the constable and warden.

The confirmation of this charter is specifically excepted in the charter of Charles 2 to the Cinque Ports, noticed in the Introductory Report on the Cinque Ports, section 11.

Third Charter of Henry 6.

12. Henry 6, by a Charter dated the 5th of July, in the 32d year of his reign, granted an exemplification of the commission of Richard 2, and of the inquisition in pursuance of it, mentioned in sect. 7.

Charter of Edward 4.

13. Edward 4, by a Charter dated the 12th of November, in the 16th year of his reign, confirmed the charter of Henry 6, mentioned in sect. 10, which is set out.

First Charter of Henry 8.

14. Henry 8 granted a Charter, dated the 5th of June, in the 12th of his reign. This charter confirms three charters granted to the Cinque Ports by Edward 1; one dated the 17th June, in the 6th year of his reign, and the other two dated the 28th of April, in the 26th year of his reign, and also the charter of Edward 3, mentioned in sect. 6, all of which are set out.

Second Charter of Henry 8.

15. Henry 8 granted a second Charter, bearing date the 27th of January, in the 37th year of his reign. This charter, after reciting that the government of the town previously belonged to the abbot of Faversham and the mayor and jurats, names a mayor and 12 jurats and a number of freemen, and provides for the future election of such officers. There are the usual clauses of incorporation. There is a grant of a view of frankpledge, and of assize of bread and other victuals, and of goods and chattels of felons and fugitives, and of waifs and estrays. There is also a grant of a court of portmote, for receiving acknowlegements of fines and recoveries, and for all actions, real and personal. There is also a grant of a market, with all the powers of clerk of the market; and of a fair, with all tolls belonging to it, and a court of pie poudre. There is a grant of all profits to be received from the inhabitants, freemen or not freemen. Power is given to the corporation to have a gaol. There is a reservation to the Crown of a rent of 8 *l.* This is considered the governing charter of the corporation.

Charter of Edward 6.

16. Edward 6, by a Charter dated the 4th November, in the first year of his reign, confirmed the charter of Henry 8, mentioned in the preceding section.

Title of Corporation.

17. The Title of the Corporation is, "the Mayor, Jurats and Commonalty of the town of Faversham."

Officers named in the Charter.

18. The Officers named in the Charter, are

Mayor	1
Jurats (including mayor)	12
Serjeant at Mace	1

A second serjeant is always appointed.

Other Officers.

19. The Officers, connected with the corporation but not mentioned in the charter, are

Common Councilmen	24
Deputy Mayor	1
Recorder	1
Town Clerk	1
Chamberlain	1
Chaplain	1
Gaoler	1
Beadle	1
Crier	1
Presenters	6
Presenter of Butchers	1
Ale Conners	2
Searchers and Sealers of Leather	2

Freemen.

20. There are at present 33 freemen, of whom 12 only are resident.

Mayor, election of.

21. The Mayor is elected by the freemen, including the common councilmen, from two jurats, nominated to them by the mayor and jurats. The election is conducted in the following manner. On the 30th September the mayor and jurats meet together in the court of the Guildhall, and the freemen at the same time meet in a room adjoining. A majority of jurats seems always to have been present at this election, but this is not considered necessary.

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The mayor and jurats then proceed to the selection of the two jurats to be nominated. A rotation is invariably observed, the two senior jurats, who have not served once, or twice, as the case may be, being chosen. If a new jurat have been elected during the previous year, it is usual to nominate him, unless, as sometimes happens, he should wish to wait two or three years, in order to become acquainted with the duties of the office of mayor. The two names are then written on paper. It is thought, that the jurats always write first the name of the person whom they wish to be elected mayor. The town clerk then takes these two names into the next room to the freemen, reading that name first which is first written. He then calls upon every freeman present for his vote, which he writes down, and then declares the election. The present town clerk is a freeman, he does not vote at this election, but considers that he has a right to do so if he choose. About 35 or 40 freemen are usually present. There is seldom any difference of voting amongst them; the person first named is invariably elected, and generally unanimously. The fee paid by the mayor, on his election, is 2 *s.* to the town clerk. The present mayor has served twice before the present year: he is a builder residing within the town.

Jurats, election of.

22. The jurats are to be elected from the freemen by the mayor and jurats; the office is for life. In practice they are always elected from the common councilmen. No election was remembered at which six jurats were not present, but this is not considered necessary. Before the time of election, a previous meeting of the mayor and jurats takes place; a circular is sent by the mayor to each of the jurats, convening a meeting to determine whether any vacancy amongst the jurats shall be filled up. It was stated by a jurat, that it was not customary at this meeting to arrange who should be proposed for election. At the following meeting for election, it sometimes happens that two or three persons are proposed to fill a vacancy; but an actual division never takes place, as the sense of the meeting is soon ascertained, and all the names, except one, are withdrawn. It is not usual to allow a vacancy to remain for more than six months. The town clerk openly declared, that he thought a person's political opinions would be considered in this election. He said that the large majority of jurats were of one political opinion, and that, of two persons equally competent to fill the office, they would elect the person of the political opinions of the majority. He said that persons known to be of opposite political opinions have been chosen, but not many such within the last 10 or 15 years. He said that religious tenets would also influence an election to the same extent: there is no jurat who is not a member of the established church. This statement, however, of the town clerk, was disavowed by two jurats, who stated that they themselves were not of the same political opinions. One of them spoke from an experience of 14 years: he also stated that, of the three persons last elected jurats, two of them were known to be of different political opinions to those of the majority of the jurats, and that an individual, also known to be of opposite opinions, had been frequently asked to allow himself to be elected a jurat, but that he had always declined. He admitted that a large majority of jurats were supposed to be of the same political opinions. Several of the inhabitants expressed their conviction, that the political opinions of persons had formed a strong test of their admissibility into the governing body of the corporation, and stated that such a conviction existed generally amongst the inhabitants. There is a power of amoval of a jurat given to the mayor and jurats, but it is not known to have been ever exercised. The fees paid by a jurat on his election are, 8 *s.* to the town clerk, and 7 *s.* 6 *d.* to the town clerk's wife: the latter fee was stated to be a very ancient one: originally a bottle of sack used to be presented to her, which has since been commuted for the sum of 7 *s.* 6 *d.* Every newly-elected jurat is also expected to contribute two water-buckets to the fire engine.

Serjeants at Mace, appointment of.

23. The Serjeants at Mace are appointed by the mayor annually; the same persons are generally re-appointed. They are not freemen.

Common Councilmen, election of.

24. There is no mention of the Common Council in the charters, but the entries in the ancient books of the corporation show that this body existed before the time of the governing charter. In the entries, the names are given of the "twelve," and of the "twenty-four," which terms are construed to mean the jurats and common council. The common councilmen are elected by the mayor and jurats, and by the common council, alternately. This mode of election can be traced as far back as the time of the governing charter. It is very common to elect, as common councilmen, persons who are not freemen. When this is done, the freedom is given to them after election, and the oath of freeman is taken immediately before that of common councilman. Complaint was made to me, that it was the practice to elect into this body persons, recently come to inhabit within the town, whose political opinions were in unison with those of the majority of the governing body, and who were likely to co-operate with that body in the maintenance of some bye-laws, imposing a restriction upon the liberty of trading within the borough, and that the office had not been conferred upon the inhabitants and resident freemen generally. This complaint, however, appeared to be not well founded, as it was stated that, of the present jurats and common councilmen, only four were strangers to the town, and that all the rest were strictly townspeople, the greater part of whom had been born within the town. It was also stated that, of the four strangers elected, two were considered to hold political opinions opposite to those of the majority of the governing body. When it is intended to fill up a vacancy, the mayor gives notice of a court of wardmote, and that a common councilman is to be elected. If it be the turn of the mayor and jurats to elect, no one, except the electors and the town clerk, is present. One jurat proposes and another seconds a freeman, any jurat is at liberty to do so: there is seldom any division. The election by the common councilmen, on their turn, takes place in the same manner. The town clerk stated that the influence of

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political and religious opinions in the election by the mayor and jurats, would operate to the same extent as in the election of a jurat, mentioned in sect. 22; and that these opinions would influence the common councilmen in their election, but not to the same extent. The two jurats, referred to in sect. 22, stated that their observations as to the election of a jurat would equally apply to the election of a common councilman by the mayor and jurats. The same may be said of the statement of the inhabitants mentioned in the same section. If a common councilman become non-resident for the space of one year, the governing body has the power of declaring his office vacant; this is frequently done. The fees paid on election into the common council are, 13*s.* 4*d.* to the town clerk, and 7*s.* 6*d.* to the town clerk's wife: the latter is the commutation for a bottle of sack, which used in old times to be presented. Every common councilman is expected, on his election, to contribute two water-buckets to the fire engine.

Deputy Mayor, appointment of.

25. The Deputy Mayor for the year is appointed by the mayor, as soon as he has been sworn into office. A jurat is always appointed. The deputy mayor is sworn into office for the year, immediately after appointment.

Recorder, election of.

26. The Recorder is elected by the mayor, jurats and common council, to hold office during pleasure. He has always been a barrister. The present recorder was elected in 1804; he was at that time a practising barrister on the Oxford circuit, but has since given up practise. He resides near London.

Town Clerk, election of.

27. The Town Clerk is elected by the mayor, jurats and common council, to hold office during pleasure. The present town clerk was elected in 1818; there was another candidate at the time of his election, besides himself: a canvass took place. He is a practising attorney, residing within the town; his junior partner is a jurat. The freedom was given to him at the time of his election as town clerk, and he was also at the same time elected a common councilman.

Chamberlain, election of.

28. The Chamberlain is elected by the mayor, jurats and common council; in practice a common councilman is always elected: the office is during pleasure. The present officer had been elected deputy chamberlain some time before he was elected chamberlain, and had during that time performed all the duties. He is a practising attorney residing within the town.

Chaplain, appointment of.

29. The Chaplain is appointed by the mayor, jurats and common council. He is usually vicar of the parish. The present chaplain was appointed in 1832.

Gaoler, Beadle and Crier, appointment of.

30. The Gaoler is appointed by the mayor, jurats and common council. The same person has generally been appointed by the same bodies to the offices of Beadle and Crier. The present gaoler holds all three offices; they are all held during pleasure. He is not a freeman.

Presenters, appointment of.

31. The six Presenters and the Presenter of Butchers are appointed annually at the court leet on presentment by the jury. They are selected from the householders of the town. The same persons are not re-appointed.

Ale Conners, appointment of.

32. The Ale Conners are appointed annually at the court leet, on presentment by the jury. The same persons are generally re-appointed to this office.

Searchers and Sealers, appointment of.

33. The Searchers and Sealers of Leather are appointed at the court leet in the same manner as the officers mentioned in the last two sections.

Fines.

34. Fines are imposed by the corporation upon their own members, either for refusal to accept the office of jurat or common councilman after election, or for resignation of either of those offices, even if the resignation be caused by non-residence. The fine for a refusal to accept, or resignation of, the office of jurat, is 30*l.*; of that of common councilman, 20*l.* These fines are always exacted. There are other fines imposed by the ancient bye-laws of the corporation, but they are never enforced.

Freemen, admission of.

35. The Freedom of the town is acquired by one of the following means:

By Birth.
By Marriage.
By Apprenticeship.
By Gift from the corporation.

Freemen by Birth.

Ten Freemen by Birth have been admitted within the last 10 years. Every son of a freeman, born after his father has been admitted, is entitled to his freedom at the age of 21. The birth need not be within the liberty of the borough.

Freemen by Marriage.

Two Freemen by Marriage have been admitted within the last 10 years. Every person, who has married the daughter of a freeman, is entitled to his freedom at the age of 21. It is not necessary that the daughter should be 21 at the time of the husband's admission to the freedom. The father must have taken up his freedom at the birth of the daughter, in order to entitle her husband to the freedom.

Freemen by Apprenticeship.

Five Freemen by Apprenticeship have been admitted within the last 10 years. Every person bound apprentice to a freeman for seven years, and having served him for this period, is entitled to the freedom at the age of 21. The master must be resident within the borough, and

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and it is considered that the service must be within the borough, but it was thought that temporary service, *bonâ fide* performed for the master, out of the borough, even for so long as two years, would not disqualify an apprentice for gaining the freedom. No instance of this kind was remembered, but it was thought that the corporation would not raise any objection in such a case. It was thought that, in case of the death of the master, service to the widow for the remainder of the term would be sufficient to gain the freedom. The master may assign the indentures. No enrolment of the indentures is necessary for the purpose of acquiring the freedom of the town: but, as such an enrolment is necessary in order to obtain the freedom of the Mercers' Company, hereafter mentioned, an enrolment always takes place.

Freemen by Gift.

Ten Freemen have been admitted by the Gift of the corporation within the last ten years. The only occasions, in which the freedom has been given within late years, have been those in which persons have been elected common councilmen, not having acquired the freedom by any of the other means.

Fees paid on Admission.

The Fees paid on Admission to the freedom are the following:

	£.	s.	d.
Fee to town clerk - - - - - - - -	1	6	8
– to town clerk's wife - - - - - - - –		7	6

The latter fee seems to have existed since ancient times; it is the commutation for a bottle of sack, which used to be presented to her. The stamp on the admission of the three first classes of freemen is 1*l.*; of the last class 3*l.*

General Remarks.

36. It appears that, excluding those to whom the freedom has been given for the purpose of their election into the common council, only 17 persons have been admitted to the freedom within the last 10 years, and that there are only 12 resident freemen within the limits of the port. The smallness of these numbers is somewhat remarkable, when the population of the town, amounting to about 4,000, the variety of ways by which the freedom may be acquired, and the privilege of exclusive trading, mentioned in sections 52 & 53, are considered. Some persons stated, that the amount of fees, paid on admission, prevented persons from taking up the freedom. One of the jurats thought, that there was a disinclination in many persons to be elected into the governing body, and that this had influenced the admissions. The unpopularity of that body may probably be the cause of this. The selection of the grand jury, and coroner's and leet juries, from the freemen, may have prevented some persons from taking up the freedom.

Governing Body.

37. The mayor, jurats and common council form the Governing Body: a meeting of this body is called a court of wardmote. By this court the whole affairs of the corporation are managed. Three days' notice of every court, exclusive of the day of giving the notice and of that of holding the court, is requisite. There is a standing order of the court, that, upon every division, the votes shall be taken by ballot; this method is very seldom adopted, though any member of the court may enforce the order.

Committees.

38. A committee for general purposes is appointed every year by the court of wardmote. This committee makes an annual survey of the property: it has power to make any orders, the expense attendant upon which does not exceed 5*l.*: beyond this amount, an order of the court of wardmote is necessary. The accounts of the year are audited by such members of the committee, as choose to attend for that purpose. It consists of the mayor, two jurats, two common councilmen, the town clerk and chamberlain. Besides this, special committees are sometimes appointed for particular purposes, such as to examine the state of the creek, to ascertain the state of the revenue, and the like.

Mayor, functions of.

39. The Mayor is a justice of the peace for the borough. He is expected, while in office, to do nearly the whole of the business requiring a justice, and is always applied to in the first instance. He presides at the general sessions of the peace, and also at the court leet.

By charter the court of portmote is to be held before him: this court has fallen into entire disuse, and is never held.

He presides at all courts of wardmote.

He is master of the Mercers' Company, and presides at all their meetings. An account of this company will be given in section 53.

He also presides at a court, called the court of the clerk of the market, the functions of which court will be mentioned in section 54.

Coroner.

He is also coroner within the borough. This jurisdiction is given by the charter of Charles 2 to the Cinque Ports. The corporation have also a grant of the same by a writ of privy seal, dated almost immediately after the time of their own governing charter. There seems to be some doubt, whether or not the county coroner is excluded from the borough. A few years ago, on his exercising jurisdiction within it, an objection was made by the town clerk, since which time he has not interfered. The town clerk always attends the inquests with the mayor, and receives the evidence, and charges the jury. He has a fee of 2*l.* 2*s.* on each inquest: the number of them is about five in two years on an average.

The mayor is by office a commissioner under the Act 29 Geo. 3, c. 69, for paving, lighting and watching the town.

He is also a commissioner of sewers, under the commission issued for a small district surrounding the borough.

He is also, together with the jurats and common council, a governor of the free grammar school, under the foundation of Queen Elizabeth.

He has authority to give orders for any repairs or other work to the amount of 40*s.* He has

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has also power to make an order upon the chamberlain for payment of any bills, for work ordered by the committee or court of wardmote.

He has a salary of 100*l.* out of the general funds of the corporation. He is entitled to a bushel of coals out of every vessel, that comes to the port laden with coals. It is usual for him to give these to poor persons. It was stated that the expenses attendant upon the office were usually as much as the emoluments, and that often more was spent. The expense is chiefly caused by the hospitality which the mayor is expected to exercise. It is usual for him to give three dinners in the year, on the two days on which the general sessions are held, and on the day of his vacating office: on one of the two former days 60 or 70 persons are usually invited; on the other two, the jurats and common council only. On the evening of his election he invites the freemen and some of the other inhabitants to a supper. He is also expected to contribute to any subscription, which may be on foot, for objects connected with the town. One jurat, who had been mayor twice, stated that the office had cost him 50*l.* beyond the emoluments.

Jurats, functions of.

40. The Jurats are all justices of the peace for the borough. They all attend the general sessions held for the gaol delivery, and four or five of them generally attend the adjourned sessions, held every month.

The part, which they take in the management of the affairs of the corporation, have been mentioned.

They are commissioners under the Paving, Watching and Lighting Act, 29 Geo. 3, c. 69.

They are, with the mayor and common council, governors of the free grammar school.

Two of the jurats, elected annually, are wardens of the Mercers' Company: a rotation is always observed in this election, as will be mentioned in sect. 53.

They have no emoluments of any kind.

Serjeants at Mace, functions of.

41. The Serjeants at Mace are the servants of the corporation; they attend at all corporate meetings, and upon the mayor. The process out of the portmote court used to be directed to them. They have each a salary of 15*l.* a year, and a hat and cloak once in three years. They have 2*s.* 6*d.* between them for summoning a coroner's jury.

Common Councilmen, functions of.

42. The functions of the Common Councilmen, as part of the governing body of the corporation, have been already mentioned.

They are commissioners under the Paving, Watching and Lighting Act, 29 Geo. 3, c. 69.

They are also, with the mayor and jurats, governors of the free grammar school.

Two of them are annually elected assistants of the Mercers' Company: a rotation is always observed in this election, as will be mentioned in sect. 53.

They have no emoluments.

Deputy Mayor, functions of.

43. The Deputy Mayor is understood to have all the powers and functions of the mayor, when the latter is not present. He is also expected to take a more active part in the justice business during the year than any other jurat, and is always applied to when a second magistrate is required at the petty sessions.

Recorder, functions of.

44. The Recorder is not a Justice of the Peace. His principal duty is to attend the general sessions of gaol delivery, to conduct the business: the present recorder always attends. He is considered to be the steward of the court leet. As this court is always held with the general sessions, he is in fact always present at it, but has little or nothing to do with it, the town clerk seems to be the acting officer of it.

The recorder's salary is 21*l.*: this has been annually paid out of the borough rate, since the establishment of that rate three years ago.

Town Clerk, functions of.

45. The Town Clerk is the general legal adviser of the corporation; he attends all the wardmote courts, and enters their proceedings; he has the custody of the records and muniments of the corporation.

He is clerk of the peace and of indictments at the general sessions, and clerk to the borough magistrates.

He is in practice the acting officer of the court leet.

He is clerk to the court of clerk of the market, mentioned in sect. 54.

He is clerk to the Mercers' Company.

He is the attorney and solicitor of the corporation.

He is not clerk under any local Acts connected with the town.

He has a salary of 21*l.* as town clerk, and of 1*l.* as clerk to the Mercers' Company. He has a fee of 1*l.* 14*s.* 2*d.* (including the fee of 7*s.* 6*d.* to his wife), on each admission to the freedom of the borough: these fees amount to about 5*l.* annually, on an average of the last 10 years. He has a fee of 2*s.* on the swearing into office of the mayor, a fee of 15*s.* 6*d.* on the election of every jurat, and of 1*l.* 0*s.* 4*d.* on the election of every common councilman. The two latter fees include that of 7*s.* 6*d.*, paid in each case as a fee to his wife. He has a fee of 7*s.* on every admission to the freedom of the Mercers' Company: these amount to 1*l.* 10*s.* annually, upon an average of the last 10 years. He calculated his sessions fees at about 6*l.* or 8*l.* in the year. His fees, as clerk to the justices, he estimated at from 30*l.* to 35*l.*, including those upon orders of removal and other parish business. He has 2*l.* 2*s.* out of the town rate for every inquest which he attends. He has 7*s.* upon each victualler's licence granted, which fees amount to 7*l.* 7*s.* in the year. He receives about 1*l.* annually from his situation as clerk of the court of the clerk of the market. He estimated his net emoluments arising from every source, connected with his office of town clerk, at 120*l.* This sum

sum he obtained by calculating the gross receipts arising from the office of town clerk, the gross receipts from his other professional business, and the expenses attendant upon his business. The latter he deducted from the two former in the proportion of their respective amounts.

Chamberlain, functions of.

46. The Chamberlain is the treasurer of the corporation; all the receipts and disbursements of the year pass through his hands. He collects the rents, and attends at the courts of wardmote and of the Mercer's Company to receive the fees and fines. The town droits are paid over to him by the collectors. He makes all payments upon the order of the mayor, without which he pays nothing except salaries, rates, taxes and such other items as are nearly invariable every year. The accounts are made up to the 30th September. The balance from the previous year, which seems to have been for each of the last six years against the chamberlain, to an amount of about 310*l.* on the average, is regularly carried forward. The accounts of each of the numerous charities, of which the corporation are trustees, are kept separately. There is an audit every year by some of the members of the committee, mentioned in sect. 38, but there is no fixed time for this. The chamberlain stated that it generally took place within two or three months from the end of the year, as soon as all the bills were collected and paid. Within the last six years the time seems to have varied very much; the accounts of one year were not audited until the following September. A notice of the time of the audit is sent to each of the committee. The audit is signed by the persons who examine the accounts, generally three or four, including the town clerk, and their signature is a discharge to the chamberlain. When the accounts have been passed, an abstract, containing the amount of the receipts, payments and balance on the corporation account, and on that of the different charities, is printed and sent to the mayor and each of the jurats and common councilmen. Each of these persons has a right to inspect the accounts at any time. Great complaint was made that the inhabitants and freemen were not allowed to know any thing relating to the accounts of the corporation. This seemed to have created greater dissatisfaction on account of the liberty rate, which was for the first time imposed about three years before for expenses, as it was alleged, which the corporation ought, and were up to that time accustomed, to defray out of their own funds. The chamberlain has a salary of 30*l.* This is for the management of the concerns of the charities as well as of those of the corporation. It is paid out of the funds of all of them, each fund bearing a part proportioned to its amount. The average amount paid out of the corporation income is about 18*l.* The chamberlain makes no allowance to the corporation for the interest of any balance in his hands.

Chaplain, functions of.

47. The Chaplain attends the gaol; no regular time is prescribed, but the present chaplain attends frequently. He has a salary of 10*l.*, paid out of the borough rate.

Gaoler, Beadle and Crier, functions of.

48. The Gaoler has a salary of 10*s.* a week: he has also a fee of 6*s.* 8*d.*, paid out of the borough rate, on the discharge of every prisoner, the average amount of which fees is about 1*l.* in the year.

His duties as Beadle are confined to those of attending the mayor on occasions of ceremony. He has no emoluments as beadle.

As Crier he has nothing but what is paid to him by the persons who employ him, by which he earns about 10*l.* in the year.

Presenters, functions of.

49. The duties of the Presenters are to give information of all persons coming to inhabit within the town, and to present all nuisances within the borough, and irregularities in the public-houses. Wherever immediate interference is necessary, they are required to lay information before the magistrates; in other cases, they make presentments to the grand jury of the general sessions.

The Presenter of Butchers is required to give information to the justices of any unwholesome meat exposed for sale.

The duties of the presenters seem to be actively performed. They have no salary or emoluments.

Ale Conners, functions of.

50. The functions of the Ale Conners are to examine the quality of the beer sold within the town, and to present to the justices such as is "not fit for the body of man." Only one instance is remembered of their having made such a presentment. The ale conners are appointed, by the magistrates, inspectors of weights and measures. This duty they efficiently perform, going round to examine at irregular intervals when they are not expected. For this duty they have a salary of 4*l.* each allowed out of the borough rate.

They have no emoluments as ale conners.

Searchers and Sealers of Leather, functions of.

51. The Searchers and Sealers of Leather have no functions nor emoluments.

Freemen, privileges of.

52. The Freemen, in common with all the inhabitants of the town, are considered to be exempt from toll throughout the kingdom. This exemption is derived from a charter of Edward 1, granted to the Cinque Ports generally. An inhabitant, who is not a freeman, stated that this exemption had been allowed him at Swansea, Milford, Falmouth and Cowes, on his merely hailing from the port of Faversham.

The freemen, in common also with the inhabitants, are exempt from the tolls within the town, an acount of each of which will be given in sect. 64.

The freemen have the privilege of trading within the town; all other inhabitants, before they can exercise any trade within it, being compelled to become members of the Mercers'

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Company, mentioned in the following section. The freemen are considered as necessarily belonging to the company, but the town clerk stated that he conceived freemen would be entitled to trade within the town, even if they refused to allow their names to be entered as of this company, the port's, or town's, freedom being considered paramount to the company's freedom.

The freemen of any one of the Cinque Ports are considered, by the corporation of Faversham, to be free of all of them, for all purposes, except interference in the affairs of the corporation. Instances were mentioned of a freeman of Dover and a freeman of Sandwich having come to reside within the town of Faversham, both of whom were allowed the same privileges within the town as the freemen of the town, with the exception of a share in the election of mayor.

It seems that anciently the freemen of Faversham had the privilege of voting for Members of Parliament for Dover; this was at a time when the constituents had to contribute to the expenses incurred by the Member in his attendance upon Parliament. The corporation of Faversham entered into a deed of composition with the corporation of Dover to relinquish this privilege, in consideration of being released from their share of contribution.

The freemen and all the inhabitants are exempted from serving on county juries.

Mercers' Company.

53. The Mercers' Company was established in 1616, by bye-laws of the corporation. The first series of bye-laws, relating to the company, is dated the 22d of May in that year, and appears to have been confirmed by the two judges of assize, they "finding them to be reasonable and for a common good." The first bye-law recites that long experience had made it apparent, that the dividing of the government of cities and towns, and of the tradesmen there, into several companies, had worked great good, and was the means of avoiding many illconveniences and preposterous disorders, in respect that, the government of every artificer and tradesman being committed to men of gravity and knowledge, and best experienced in the same faculty and mystery, the particular grievances and deceipts in every trade might be examined, reformed and ordered. It then states the order, made at the request of the tradesmen of the town by the mayor, jurats and commonalty, at a wardmote assembled, and by the freemen of the town, having such power by ancient charters to make reasonable bye-laws for the public good of the town, that all persons then or afterwards exercising the trades mentioned, and inhabiting within the town, should be one company, by the name of Mercers. The list of trades enumerated comprehends nearly all at present exercised, and some which have become obsolete. The company was to have for its better government, one master, two wardens and eight assistants, one clerk and one beadle. The bye-laws then name these officers for the year, and provide that, in case of death or non-residence of any of them, the freemen of the company shall elect others in their places. The freemen of the company are to elect new officers every year. No person, afterwards to be admitted of the company, is to exercise any trade without having served an apprenticeship in it. It is ordered, that, if any person desire to be free of the company, and to set up a shop within the town, having served a proper apprenticeship out of the town, he is to be admitted into the company, on paying such sum of money, not exceeding 10*l.*, as the master, wardens and assistants shall think fit, and that no person, not being made free of the company, shall set up a shop, or exercise any of the trades mentioned, within the town, upon a penalty of 3*s.* 4*d.* for every day he shall do so. Persons, who shall have served an apprenticeship within the town, are to be admitted on paying a fee, not exceeding 5*s.* to the company, and to the clerk and beadle 2*d.* each. Every freeman of the company, taking an apprentice within the town, is to cause the indentures of apprenticeship to be enrolled within six months from the time of taking the apprentice. Power is given to the master, wardens, and assistants, with the consent of the major part of the freemen, to make orders for the proper government of the company. Every person, who shall have served as an apprentice within the town in any of the trades, is, at the request of the master, wardens, and assistants, to be admitted a freeman of the town. One half of the fines and fees is to be paid to the mayor, jurats and commonalty, and the other half to the company. There are other regulations connected with the trades. A second set of bye-laws, also confirmed by the judges of assize, was made by the mayor, jurats and commonalty in 1699. The principal provisions in these, relating to the company, are the following: that the mayor for the time being is to be master, that the wardens are to be chosen from the jurats, four of the assistants from the common councilmen, and the other four from the freemen of the company; that all sums, paid on admission into the company by foreigners, are to be to the use of the mayor, jurats and commonalty, to be employed towards the public charges of the town, and some other fines mentioned, to the use of the company. In case of neglect or refusal to pay sums imposed by the company, the beadle is to make distress of the goods of the party. The bye-law, after reciting that the number of freemen of the town had become so small, as not to furnish sufficient for jurats and commoners, gives the mayor and four jurats power to require any of the freemen of the company to be made free of the town, under a penalty of 5*l.* and of disfranchisement.

Officers of the Company.

The Company at present consists of the Officers above named in the bye-laws, namely,

Master	1
Wardens	2
Assistants	8
Clerk	1
Beadle	1

and of the freemen.

It

It was not known what the number of freemen was, as members of the Company are constantly leaving the town. Freemen of the Company.

The mayor for the time being is Master of the company. Master.

The Wardens are, by the bye-laws, to be elected from the jurats of the town, by the freemen of the company. In case of a division a poll is to be taken. In practice, no election beyond one of form ever takes place. The jurats always take the office of wardens in rotation. Wardens, election of.

The Assistants are to be elected by the freemen of the company; four of them from the common council, and four of them from the freemen of the company. A rotation is invariably observed in both cases. Assistants, election of.

The Freemen are of three classes: those created by apprenticeship, those created by purchase, and the freemen of the port. Freemen, admission of.

Thirteen Freemen by Apprenticeship have been created within the last 10 years. Every person, who has served an apprenticeship of seven years to a freeman of the company, is entitled to his freedom at the age of 21. The bye-law requires the master to enrol the indentures of apprenticeship within six months from the commencement of the service. This is always done. The expenses of admission are, Freemen by Apprenticeship.

	£.	s.	d.
Fee to corporation	–	2	–
Fee to town clerk	–	7	–
Fee to beadle	–	1	–
Stamp	1	–	–
£.	1	10	–

Thirty-one Freemen by Purchase have been created within the last 10 years. Every person exercising a trade within the town is called upon to be admitted a freeman of the company. This is considered to be compulsory, under a penalty of 3*s.* 4*d.* for each day on which he shall exercise a trade before admission. The expenses of admission are, Freemen by Purchase.

	£.	s.	d.
Fee to the company	10	–	–
Fee to the town clerk	–	7	–
Fee to the beadle	–	1	–
Stamp	3	–	–
£.	13	8	–

Considerable dissatisfaction was expressed by individuals at the manner in which these fees had been exacted. It was made a matter of complaint that indulgence had been shown in allowing time for payment by instalments in some cases, and denied in others. No instance, however, was produced, where any circumstances existed to lead to an inference that improper motives for partiality could be attributed. The only cause in each case seemed to be the indigent circumstances of the persons admitted; and no case was mentioned, where a reasonable time had been refused on request under the same circumstances. Complaint was also made by several persons, that no receipt had been given acknowledging the payment of the fees. In several instances it had been asked and refused, the applicants being told that their names would be entered in the book, which was a sufficient acknowledgment. An individual stated that the freemen did not see the book, and had no guarantie that the money paid by them for the stamp was always expended upon that. The town clerk stated that he had always refused receipts when asked for them, as it had never been customary to give them, but that he would have shown any person his own entry in the book, with the stamp attached, if he had been requested to do so. There seemed to be no reason for supposing that the imputations attempted to be cast upon the corporation, as to the appropriation of the stamp money, was made sincerely. It seemed to be merely a taunt, thrown out for the sake of annoyance, from feelings of strong dislike at having to pay so large a sum. Partiality was attempted to be shown in the determinations as to exemptions. Some instances had reference to the exemptions created by the statutes 42 Geo. 3, c. 90, and 56 Geo. 3, c. 67, in favour of persons who had served in the army. This charge was not in any way substantiated. It was mentioned that the gaoler was allowed to carry on a trade without being compelled to be admitted a freeman. It appeared that he occasionally made boats for sale. The answer of the town clerk to this was, that no trade mentioned in the bye-laws would apply to the one in question. Another instance was mentioned of a person having been summoned to take up his freedom for exercising the trade of a plumber and glazier. This person, after having been summoned three times, attended and claimed an exemption under the statutes just mentioned. This was disallowed. No other reason for not purchasing the freedom was assigned by him. He did not take up the freedom, and no steps were taken to compel him. The town clerk stated, that the reason of the corporation not attempting to enforce the penalty was, the doubt there was of their being able to prove any trading. The individual in question stated that he was at this time gradually declining business, but that he had an open shop behind his house, where he employed one man; that he undertook

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work for any one who sent to him; and that he had from six to twenty employers: that this continued for three years after he received the summons. The reason given by the town clerk for not taking further proceedings did not appear to me to be altogether satisfactory; but no specific motives could be assigned for partiality, either on the part of the corporation or town clerk. There are at present four actions depending in one of the superior courts, brought to compel payment of fees or penalties.

Freemen from the Freedom of the Port.

All Freemen of the Port are understood to be freemen of the Mercers' Company. It is usual to enrol in the company the indentures of persons apprenticed to port freemen; but the town clerk considered that this was not necessary in order to obtain the freedom of the Mercers' Company, provided the apprentice took up his freedom of the port. No fees are paid beyond those of admission to the port freedom.

Privileges of the Freemen.

The only Privilege of the Freemen of this Company is the right of trading within the limits of the port.

Present operation of the Company.

Extracts have been given from the bye-laws, in order to show what were the objects for which the Company was established, its original functions having long since fallen into disuse. At present it exists merely as a nominal body, whose sole function is to impose a restriction upon the right to trade within the jurisdiction of the corporation. From the instances mentioned above, of complaints against this body, all of them probably without foundation, it will have been inferred that a great dissatisfaction exists with respect to this system. The complaints against the system came chiefly from the inferior classes of tradespeople, whose feeling on the subject seemed to be exceedingly strong. One of the higher class of tradespeople stated that he considered the restriction advantageous to the town, as tending to prevent strolling traders from coming into it, and such as go wandering from town to town, opening shops for a few weeks only. He also stated that this opinion was held by many of the tradespeople. There can be little doubt that this restriction, by means of fees, is satisfactory to the tradespeople in a larger way of business, but is the cause of great dissatisfaction and complaint from the inferior classes; and this circumstance is corroborative of what might have been otherwise expected, namely, that the tax operates very unfairly. There can be no doubt that so large a payment as 13*l.* 8*s.* is very inconvenient to persons just beginning trade on small means. The reasonableness of the tax was maintained by one member of the corporation, on the ground that, as inhabitancy conferred several privileges, such as exemption from serving on county juries, the inhabitants had a right to levy a contribution from such strangers as come to take advantage of them.

Jurisdiction of the Corporation.

54. The courts, by which the Corporation exercise Jurisdiction throughout the liberties of the port, are,

The Court of General Sessions,
The Court of Petty Sessions,
The Court Leet,
The Court of Portmote,
The Court of Pie Poudre, and
The Court of Clerk of the Market.

Court of General Sessions.

The General Sessions are held regularly twice in the year, at Easter and Michaelmas, before the mayor and other justices. The recorder always attends and conducts the business, but, not being a magistrate, he does not form part of the court. The jurisdiction extends to capital felonies; but there has not been any execution for nearly 100 years. The town clerk stated that any capital case, which was likely to be followed by execution, would be sent for trial at the assizes. The town clerk is clerk of the peace and of indictments. The jury pannels are made out by the town clerk, and are sent, with the mayor's precept, to the serjeant, who summons the jurors. All the common councilmen are summoned upon the grand jury, unless it be known that some of them are ill. If there be not a sufficient number of common councilmen to form a jury, the number is made up from the freemen. The latter are taken generally in rotation, though sometimes the mayor names those to be summoned. The senior common councilman is foreman. The grand jury receive the presentments of the presenters, mentioned in sect. 49, which they bring into court; they also present the non-attendance or negligence of any of these officers. They do not make presentments of nuisances, as the commissioners under the Pavement Act have jurisdiction over them. The petty jury is composed of inhabitant householders, taken in rotation from the poor-rate book. In it they are classed by streets, so that the jurors upon each jury are usually neighbours of each other; 24 are always summoned. Barristers have very rarely attended. The recorder examines the witnesses from the depositions taken before the magistrates. In 1830 there was only one person tried for felony, who was convicted; there were no misdemeanors tried. In 1831 there was one misdemeanor tried, but no felony. In 1832 there were two persons tried and convicted of felony: the expenses allowed in these two cases of felony were 9*l.* 16*s.* 2*d.* There seems to have been no allowance in 1830. The town clerk taxes the costs, which he averages, in common cases, at from 2*l.* 10*s.* to 3*l.*, including the court fees and those of the clerk to the magistrates. Appeals have seldom been tried.

The sessions are adjourned to the first Wednesday in the following month, and so on from month to month, until the time for holding another original session. At these adjourned meetings little or nothing is done beyond the qualifying for offices. Two or three justices generally attend.

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The Petty Sessions are held every week, usually at the town clerk's office. The magistrates do not regularly attend, unless they have intimation that there is business to be done: when this is the case, the mayor and deputy mayor are generally sent to, and attend. There is no difficulty in procuring the attendance of a magistrate at any time when one is required. Petty Sessions.

A Court Leet is held at the same time as the general sessions. The grand jury forms the leet jury. The only business done at this court is the appointment by the jury of the presenters, mentioned in section 31, and of the constable and borsholder, mentioned under the head of Police. Court Leet.

The Court of Portmote is a civil court, with cognizance of all actions, real, personal and mixed; it was granted by the charter of Henry 8, mentioned in section 15. The court has fallen into entire disuse since the passing of the Act, for restraining arrests for less than 10 *l.* Court of Portmote.

Nothing whatever was known of the Court of Pie Poudre. Court of Pie Poudre.

The Court of Clerk of the Market is held annually before the mayor and a jury of 24 householders. The town clerk attends as clerk of the court. The presenters make a list of all persons using weights and measures within the town, and give notice to them to attend and produce their weights and measures at the court. Such as are brought are examined, and any found imperfect are kept. The court is then adjourned for a week, in order to ascertain who have neglected to appear: these have then notice to appear the following week, but no steps are taken to compel them. If any then make default, their names are given to the examiners of weights and measures, in order that they may keep a watch upon them. No fine is ever imposed. It is quite evident that a court of this nature must be practically useless, as the production of perfect weights and measures at the court is no proof whatever that false ones are not used, which of course no one would knowingly produce. Court of Clerk of the Market.

One constable and one borsholder are appointed annually at the court leet, on a presentment by the jury. The jurors select such resident householders as they think proper. No list is furnished to them; they make the selection from their knowledge as inhabitants: there is no exemption or preference given to freemen. Some one is generally presented as constable, whose residence is near that of the mayor, in order that the latter may communicate with him expeditiously. There is a disinclination to be appointed to these offices. Persons are allowed to serve by a substitute, and this is frequently done. Each person finds his own substitute; but he must be approved of by the justices, and it is not unusual for them to reject the persons proposed. The usual sum paid to a substitute, by a person who has been appointed constable, is 10 *l.*, and, by a person appointed borsholder, 5 *l.* The constable and borsholder have no allowance for attending the courts, nor any emoluments beyond the usual fees of office. Police.

Further provision is made for the police of the town by an Act of Parliament, 29 Geo. 3, c. 69. This Act is for the better paving, repairing, cleansing, lighting and watching the highways and streets within the town and liberty, and certain places adjoining. The mayor, jurats and common council are commissioners under this Act, as are also the Members of Parliament for the county, together with other persons named. The qualification for the last-mentioned class of commissioners, with the exception of two who are not required to possess any qualification, is residence within the district included by the Act, and a real estate of the clear yearly value of 10 *l.*, or personalty to the amount of 400 *l.*, or the being rated under the provisions of the Act at 20 *l.* a year or upwards. New commissioners are to be elected into vacancies by the remaining commissioners. There are at present about 30 commissioners, besides those of the corporation. A meeting is held every month; three commissioners are a quorum. The rating under the Act is to be imposed upon the tenants or occupiers of houses and premises; but the owners are to allow them half the amount of rate paid. The maximum rate in the year is 9 *d.* in the pound upon premises, the rent of which does not exceed 4 *l.*; 1 *s.* in the pound upon those, the rent of which is above 4 *l.* and does not exceed 5 *l.*, and 1 *s.* 9 *d.* upon premises rated at more than 5 *l.* The assessment is to be made upon that of the poor-rate. In cases where the tenants are not rated to the poor-rates on account of poverty, the commissioners are to rate the landlords for their share, which the tenants are to be held chargeable for, and, after having paid, are to deduct it out of their rents. Provision is made for rating the landlord in cases where the house is let to more than one tenant. The full rate is imposed every year, and produces about 400 *l.* The Act is not to interfere with the General Highway Act, so that the rating for the highways is imposed under the latter Act. The highway rate produces about 200 *l.*, in addition to which the corporation pay annually 200 *l.* The local Paving Act, after reciting that the corporation had been accustomed to pave and repair the streets and lanes in and near the town, discharges them from this liability, on their annually paying to the commissioners 80 *l.* out of the town droits and 80 *l.* out of their other revenues. The reason of the payment of the additional 40 *l.*, and an explanation of the nature of the funds from whence the 200 *l.* is paid, will be given in sect. 64, in the account of the trust property. The whole of the sum of 800 *l.*, thus raised by the commissioners, is paid into one common fund for the purposes of the Act. About 120 *l.* is applied to the watching: there are three watchmen employed all the year: they are entirely a night watch. Each watchman is paid 15 *s.* a week. It seemed to be agreed on all hands that the watching was sufficient, and that the state of the town was very quiet and orderly. Watching and Paving Act.

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The lighting is performed by a gas company: a contract is made with them by the commissioners: the charge is 140*l.*: the lighting is very good. The paving and highways cost about 400*l.*, which is sufficient to keep them in a state of good repair. About one-third of a mile of the turnpike road between Rochester and Canterbury is within the liberty of the port; for the repairs of this the commissioners pay a composition to the trustees of the road. The commissioners owe a debt of 1,600*l.*, which is undergoing a process of reduction, at the average rate of 50*l.* a year. Interest is paid upon it at 4 ½ per cent. The corporation commissioners take no prominent part in the administration of the Act; the mayor is usually the chairman at every meeting at which he may happen to attend.

Court of Requests.

55. A Court of Requests is held at Faversham under the authority of an Act, 25 Geo. 3, c. 7. The operation of the Act extends over an area of about six miles radius round the town, including, besides the town and port, the hundreds of Faversham and Boughton, and the parishes of Ospringe, Seasalter and Whitstable. No member of the corporation is a commissioner by office, although the mayor, jurats and common council, of the time when the Act passed, were named commissioners; there were about 60 other commissioners named, besides those of the corporation. The qualification is, the being an inhabitant householder and resident within the district over which the Act operates, and the possession of a real estate of the clear annual value of 30*l.*, or of personalty to the amount of 500 *l.* In case of vacancies, the remaining commissioners are to elect new commissioners; there are at present about 20 commissioners. A court is held at Faversham the first Monday in every month. The Act provides that the commissioners shall hold a court at Whitstable twice or oftener in the year, as they shall think fit. The clerk stated that about four years ago he used to hold a court there every month, but that this was discontinued on account of the business entirely ceasing. He has since informed me that a court was held in the month of March 1834, and that another was appointed for April. The commissioners are directed to hold special quarterly meetings for making rules and orders; these are never held, all the business being done at the monthly meetings. Five commissioners are a quorum for the latter, 15 for the former. A list of the commissioners is to be affixed in some conspicuous place within the court, which direction is observed. There is sometimes a difficulty in getting a sufficient number of commissioners to form a court, the beadle having to go round to ask some to attend, but no court has ever gone off for want of a quorum. The jurisdiction of the court is over debts above 2*s.* and under 40*s.* Until ately a balance under 40*s.* of a debt originally 40*s.* or upwards, was considered not to be cognizable by the court; a contrary construction of the Act has lately been adopted. The average number of suits is from 12 to 15 every month. Execution is given against the body and goods; in case of the former, the imprisonment is to be for not less than seven days nor longer than one calendar month, which is to be deemed a full discharge of the debt. The creditor is to allow 3*d.* a day to his debtor while in prison. The average number of imprisonments in the year does not amount to four. A schedule of fees is given in the Act, which is followed. A copy of this is directed to be hung up in the court. The average expense of a suit, when an order for payment by instalments is made, is 2*s.*; when the plaintiff proceeds to execution, which happens in about one out of twenty cases, there is an additional expense of 3*s.* 2*d.* The gaoler is the serjeant of the court; his fees amount to about 4*l.* or 5*l.* in the year on the average. He has also a donation usually given him by the suitors, of 6*d.* in the pound upon the sum recovered, which produces about 3*l.* a year. The clerk's fees on an average of the last three years have amounted to about 22*l.* 10*s.* a year. The court was represented to be efficient and useful, as far as its jurisdiction extended, but there was a general opinion that it would be far more useful, if the jurisdiction were extended to debts of 5*l.*

County Court.

56. The County Court is held at Maidstone, 13 miles distant from Faversham.

Whether the Jurisdiction require extension.

57. It was mentioned in sect. 1, that there were two parts of what may be considered the town, which are not within the borough. These are two detached parts of the parish of Preston. On one of these a great number of small houses, called Brent's Town, have recently been built, which, it is not unlikely, may contain a class of occupants, over whom it would be desirable that the magistracy and police of the town should have jurisdiction. This part of the parish I recommend being brought within the borough. It does not include a large agricultural district, nor more than would compensate the borough for the probable burden, which would be laid upon the liberty rate by the introduction of these houses. It was thought also that the occupiers of the land, so brought in, would not have to contribute to the liberty rate more than they now do to the rate for the county of Kent. The other part is at the south eastern extremity of the town. It takes in several houses on one side of one of the streets of the town, and the small village of Preston, which comes nearly close upon Faversham. These might I think be advantageously brought within the borough jurisdiction, but I had not the opportunity of marking out such a boundary, as would subject the part brought within the borough to about the same amount of liberty rate, as it has now to contribute to the rate for the county of Kent. It seems advisable also that the county magistrates should have jurisdiction, at all events concurrent, over that part of the village of Ospringe, which is within the borough jurisdiction.

Liberty Rate.

58. A Liberty Rate, in the nature of a county rate, was first made at Michaelmas 1830. Previously to this there had been occasionally a rate collected from house to house, conformably to ancient custom, out of which had been paid several expenses connected with the town; a great portion, however, of the charges, now made on the liberty rate, was paid out

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out of the funds of the corporation. The rate for the county of Kent, apportioned to the part of the parish of Faversham not within the liberty, has always been paid out of the general poor rate of the whole parish, instead of being levied upon this part separately. Before the liberty rate was first imposed, an estimate was made, from the expenses of previous years, of the average amount of charges to which the rate would be properly applicable, and it was calculated that the poundage would be about the same as that for the county of Kent. In consequence of this, both the liberty rate and the county rate are taken out of the general poor rate. Since Michaelmas 1830 there has been a rate every year; for the first three years the rate was one of 5*d.* in the pound, but, in consequence of this being insufficient, a rate of 6*d.* in the pound was made at Michaelmas 1833. A rate of 5*d.* in the pound produces about 162*l.*, including 2*l.* 17*s.* 2*d.* the portion levied upon that part of the parish of Ospringe within the liberty. The rate is made by the justices at the general sessions, or at an adjournment of them. The following is an abstract of the expenditure for three years:

	1830–31.			1831–32.			1832–33.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Town prison and prisoners	65	11	– ½	74	3	5	74	10	8 ½
Prosecutions and expenses at sessions, including expenses of courts	46	19	5 ¼	69	3	2	66	13	7
Coroners	4	9	–	5	10	–	3	5	6
Bridges	15	–	–	15	–	–	15	–	–
Weights and measures	7	1	–	7	1	–	9	1	–
Corn returns	2	2	–	-	-	-	2	2	–
Constable's expenses	13	17	–	5	8	8	3	10	8
Treasurer	7	1	6	27	12	11 ¾	72	14	7 ¾
£.	162	–	11 ¾	203	19	2 ¾	246	18	1 ¼

In the first item is included an annual payment of 6*l.* 5*s.* to the lord warden of the Cinque Ports, for the maintenance of the debtors in Dover Castle, pursuant to the Act 54 Geo. 3, c. xcvii. In the second item are included the recorder's salary of 21*l.* and the town clerk's bill. The item, intituled, "Bridges," was an annual payment made to the Board of Ordnance, who undertook to keep in repair a sluice and foot-bridge over the creek. This payment has now ceased, Government having given the corporation 800*l.* in consideration of their taking these repairs upon themselves. The treasurer has an allowance of 5 per cent. upon the receipts. The last item includes this allowance, as well as the balance in his favour at the end of the previous year. This had gradually increased up to Michaelmas 1833, when the balance in favour of the treasurer was 62*l.* 2*s.* 4¾*d.*, which the corporation paid out of their own funds. No publication of the accounts has taken place. The reason given for this by the treasurer was the expense of publishing, which he estimated at 2*l.* It was stated by one person that there was dissatisfaction amongst the inhabitants at the accounts not having been published, and that they would willingly incur the expense. The treasurer stated that he had never heard any wish expressed on the subject.

Gaol.

59. The Gaol was built about 20 years ago. It affords no means for classification or employment of the prisoners. It consists of two cells for male prisoners, and two sleeping rooms, in the upper part of the gaoler's house, for females. When persons are taken in execution under the Court of Requests Act, they are obliged to be placed in one of the felons' cells. There were at the time I visited the gaol two persons in confinement; one for a term of imprisonment, the other committed for trial at the following sessions. The mayor and deputy mayor are considered to be the visiting justices. The gaoler has a salary of 10*s.* a week; the chaplain has 10*l.* a year. All the expenses connected with the gaol and prisoners are now paid out of the liberty rate. The expense of the maintenance of prisoners during the year, ending Michaelmas 1833, was 15*l.* 2*s.*

Poor.

60. The Poor rates for the parish of Faversham amount to about 10*s.* in the pound in the year; the assessment is calculated at three-fifths of the annual value.

Grammar School.

61. The mayor, jurats and commonalty are the trustees and governors of a Grammar School within the town. The mastership is in the appointment of the warden and senior fellows of All Soul's College, Oxford. There are at present about eight boys attending the school. It was stated that the smallness of the number was occasioned by the education being almost entirely classical, and that there would be a large attendance of boys if the education were of a commercial kind. The vicar is master.

Licences.

62. There are 21 licensed public-houses within the town. They all, except four or five, belong to brewers, one of whom is a common councilman. This individual stated that he had frequently refused to become a jurat on account of his interest in the Licences. There has been no new licence for many years.

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Fairs and Markets.

63. There is one Fair held every year, but it is chiefly a statute fair for servants out of place, and little else is sold but common articles of clothing. There are nominally three Markets in the week, only one of which is much attended. Tolls are collected at the rate of 2*d.* or 4*d.* a standing. There are eight stalls, which are usually let to the butchers at 12*s.* 6*d.* each the quarter of the year, or 1*s.* 3*d.* the market day; only six of these are at present let: 2*d.* is charged for a pen of pigs, or other live stock. There is a toll, called bye-stallage, taken from every one bringing provisions into the town and selling them in the streets. Persons are expected to keep the market until 11 o'clock in the day, after which they are allowed to hawk without paying the bye-stallage. The beadle collects the tolls, which, exclusively of the butchers' stallage, produces 3*s.* or 4*s.* a week. He pays 1*s.* a week to the corporation, and takes whatever else he collects. A table of tolls is hung up in the market-house.

Revenue.

64. The following analysis of the income of the corporation for three consecutive years was furnished to me by the chamberlain. It does not contain the property of which the corporation are trustees for charities. The year is taken from Michaelmas to Michaelmas.

Years.	Rents.	Tolls.	Fines payable on Admission to the Freedom of the Mercers' Company.	Rents of which Corporation are Trustees.	Contingencies.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830–31 - -	69 4 –	258 17 7½	53 14 –	817 – –	7 1 –	1,205 16 7½
1831–32 - -	91 3 4½	218 – 5	25 12 –	767 – –	5 – –	1,106 15 9½
1832–33 - -	97 18 3	264 10 6	56 4 –	679 10 –	826 10 –	1,924 12 9

Some account will be given of each of these items.

Rents.

The Rents are derived from freehold property within the liberty. It consists chiefly of houses with gardens and land attached. The leases, on which the property is let, are for various periods. There are some leases for 99 years, but these will expire in 13 or 14 years: the longest leases next to these are for 14 years. One of the leases, for 99 years, was granted in 1759 to a person, who was mayor at the time, and another at the same time to the then town clerk, at small quit rents. The land in question was situated near the houses of these persons, and was taken for garden ground. They covenanted to build walls round the ground, which the town clerk stated would cost as much as the fee-simple of the land, which in the whole was about one-eighth of an acre. It was stated, that some other premises had been let in 1759 to a member of the corporation at a rent of 3*l.* 19*s.*, and that the same premises, without any additional buildings, had been lately proved before the revising barrister to be worth 30*l.* a year. Several members of the corporation have had modern leases granted to them, but the full rent seems to have been always reserved. The leases are now always granted by public tender.

Tolls.

The Tolls are the proceeds of the market tolls mentioned in sect. 63, and of the town droits. The town droits are in the nature of a Toll Thorough, for all goods shipped or landed at the port. The toll is not taken in respect of the shipping or landing, but on their passing through the town. Persons resident within the town are not liable to it, nor are non-resident freemen of any of the Cinque Ports, except in the case of the import of coals, timber or deals. If any of these goods be imported by an inhabitant or freeman, and afterwards be sent out of the town, the toll is charged upon them, even if consigned to a non-resident freeman. If goods be consigned to an inhabitant to ship, the toll does not accrue until the shipping. The town clerk stated, that the toll could be traced as far back as the year 1539, and had continued ever since without variation. He accounted for the corporation not having earlier entries, by the circumstance of the mayor, previously to the dissolution of the abbey, having to pass his accounts before the abbot, with whom the accounts might probably remain. The rate of toll, is

Per load of deals - - - - -	4*d.*
Per chaldron of coals - - - -	4*d.*
Per quarter of seed or grain - - -	4*d.*
Per ton, or load, of other goods - -	4*d.*

There is a collector appointed to take the tolls, who has 25 per cent. on the amount he collects. It is usual, however, for the hoy-men and coal merchants to take the toll upon corn, which they have to ship for strangers, and they receive 2*d.* in the shilling for doing so. Poor-rates are paid in respect of the tolls. The net proceeds of the toll, after deducting the expenses of collection, amounted in the eight years previous to Michaelmas 1833 to 1,553*l.* 2*s.* 8*d.*, the poor-rates upon them in the same time amounted to 354*l.* 9*s.*; so that the net receipts of the corporation during this period, after paying the poor-rate, averages 150*l.* a year, within a few shillings.

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An account of the Fines payable on admission to the freedom of the Mercers' Company was given in section 53. Fines.

The Rents, entered by the chamberlain as trust-property vested in the corporation, are the produce of what is called the Hatch estate. This property was devised by Henry Hatch, by a will dated in 1553. Under this devise the rents are to be appropriated to the use and maintenance of the haven and creek, the highways within a mile of the town, and the ornaments of the parish church, and to obtaining the King's licence. The property consists of a farm, containing a house and about 313 acres of land, situate at Iclesham, in Sussex, and of two houses and part of a third in Faversham. The farm is at present let on lease, at a rent of 525 *l.*: the rent before 1833 was 700 *l.*, which accounts for the difference in the amount in the three years given above. In 1830–31, some arrears are entered; and in 1832–33 there is half a year's rent at 700 *l.*, and half a year's at 525 *l.* The houses are let on leases at yearly rents, amounting to 67 *l.* The whole of this income is not appropriated to the objects mentioned in the will, for which the corporation give the following reason. The town clerk stated, that the will was for many years under litigation in different courts, at the suit of the testator's representatives; that, in order to defray the expenses of these proceedings, the corporation were obliged to sell part of their own property. He stated that the money, expended by the corporation in these suits, amounted to upwards of 300 *l.*, a sum greater than the Hatch estate was at that time worth. On this account, the corporation consider that they have a right to appropriate the rents to the same purposes as they would have done the property which they sold, at all events after having made certain provisions for each of the objects mentioned in the will. The annual expenditure upon them is, at present, the following: to the commissioners of the Pavement Act 120 *l.*, as mentioned in sect. 54.; 40 *l.* to the organist of the church, and 5 *l.* 15 *s.* to the tuning and taking care of the organ. Money has occasionally been laid out in repairing or decorating the church; 80 *l.* was expended in 1831 on this object. The creek was represented to be in a very bad state, and complaint was made that the corporation had contributed little or nothing towards it. It appeared that 100 *l.* was laid out upon it by the corporation in 1827, 50 *l.* in 1828, and, at the time of my visit, there was an order of wardmote, which had not been carried into effect, for laying out 100 *l.* The income from this estate is blended with the other funds of the corporation, some account of the expenditure of which will be given below. Rents of which Corporation are Trustees.

The item of Contingencies in the two first years is made up of trifling sums, one of which is 5 *l.*, paid by the savings' bank for the use of the Town-hall. In the last year is entered the 800 *l.* paid by the Board of Ordnance, as mentioned in section 58, and 20 *l.* paid by a common councilman, on retiring from the corporation. Contingencies.

The report of a committee in 1833 stated that the average income of the corporation amounted to 900 *l.* a year; that the permanent expenses amounted to about 650 *l.*, and that the casual bills averaged about 126 *l.*, leaving a balance of 124 *l.*, which they considered subject to an outlay of 50 *l.* upon the creek, 12 *l.* upon the Brook farm, and 20 *l.* upon the repairs of the church. Average Income.

The following is an analysis of the expenditure for the three years, in which the income was given:

Years.	Expenses of Collection.	Permanent Outgoings.	Payments in Nature of Salaries.	Charitable Payments.	Repairs.	Entertainments.	Contingencies.	Totals.	Debt.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s.
1830–31	40 12 7½	304 8 8	176 18 7	65 18 5	147 11 1	14 18 –	291 1 9	1,041 9 1½	544 4 Three per cent. consols.
1831–32	32 12 4	289 8 –½	210 18 –	65 18 –½	65 11 7	13 11 6	433 1 6	1,111 1 –	200 – Three per cent. consols.
1832–33	67 6 3½	289 3 2	210 – –	65 18 –	42 15 9½	15 15 2	1,195 – 2¾	1,885 18 7½	—

Some account will be given of the principal items in the second of these years.

The first item relates to the Collection of the tolls, an account of which has been already given. Expenses of Collection.

The Permanent Outgoings are composed of the payment of 200 *l.* to the pavement commissioners; poor-rates, highway and church-rates, about 55 *l.*; an annual payment to the clergyman of 5 *l.* 18 *s.* 4 *d.*; care of the organ 5 *l.* 5 *s.*; a fee-farm rent to the Bishop of Rochester of 6 *l.* 17 *s.* 7 *d.*; and a payment of 6 *l.* 6 *s.*, as rent of the mansion-house, which belongs to the Hatch estate, and to which a rent is paid; so that this item appears on both sides of the account. There are some other trifling items. Permanent Outgoings.

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Payments in nature of Salaries. The different Salaries have been specified in the account of the functions of the respective officers.

Charitable Payments. The Charitable Payments are, 55*l.* 18*s.* to the inmates of six almshouses, and 10*l.* to a national school. The corporation were trustees of a sum of 400*l.* belonging to these almshouses, which was lent out and lost; in consequence of which they pay the above sum out of their own funds.

Repairs. The Repairs are done to the different properties of the corporation, generally on the recommendation of the committee, mentioned in sect. 38.

Entertainments. The Entertainments are, an annual dinner given to those who have taken up the freedom of the Mercers' Company during the year, and a supper given to some of the inhabitants on the King's birth-day.

Contingencies. The principal items included in the Contigencies of 1831–32, are the following: 287*l.* paid for the purchase of 344*l.* 4*s.* of stock, in liquidation of so much of the debt; one year's interest on it, 16*l.* 6*s.* 4*d.*; town clerk's bill, 62*l.* 18*s.* 6*d.*; ironmonger's bill, 21*l.* 3*s.* 7*d.*: the rest is made up of other tradesmen's bills. The sum of 800*l.*, mentioned in the corresponding item on the other side of the account, as received from the Board of Ordnance, has been invested in the funds, to remain until required for the purposes of the creek and sluice: the investment is entered as a payment, and accounts for the large amount of contingencies for 1832–33.

Debt. The Debt was incurred in the building of the gaol and town-hall in 1812 and 1814. The money borrowed was stock in the Three per cent. Consols, the whole of which has been reinstated.

Balance. The Balance in favour of the corporation at the end of the year has been gradually increasing for the last few years. At the end of the year 1832–33, it amounted to 530*l.* 14*s.* 4¼*d.*

Audit of Accounts. The time and manner of Auditing the Accounts were mentioned in sect. 46.

Population and State of the town. 65. The following Table gives the population and number of inhabited houses of the parish at four different periods. In the first three no separation is made of the parts of the parish within and without the liberty.

	1801. (a)	1811. (a)	1821. (a)	1831. (b)
Parish of Faversham, within liberty	3,488	3,872	4,208	3,982
without				447
Inhabited houses, of part within liberty	578	672	683	737
without				70
The population of Preston	-	-	351	675
Inhabited houses	-	-	66	118

The increase in the parish of Preston is caused almost entirely by the number of houses recently built, and mentioned in sect. 57; the increase is in fact in the population of the town of Faversham. There is no manufactory within the town, except a small one of cement, and a few small powder-mills. The prosperity of the town has been temporarily affected by the discontinuance of the Government powder-mills, in which from 200*l.* to 500*l.* a week were paid in wages. This has diminished the value of cottage property. In other respects the town seems to have been nearly stationary. The most important staple of the town is the oyster fishery, carried on by a company, the admission to which is obtained by birth, or apprenticeship to a member of it. No person, however, is entitled to his freedom until he has married; this most prejudicial restriction has long existed through a bye-law of the company. There is a large import of coals, amounting, it was stated, to 16,000 or 17,000 tons annually, two-thirds of which are carried inland for the supply of the neighbourhood. A good deal of timber is imported from the Baltic, a large portion of which is taken to Canterbury and other parts in the interior. The exports are entirely agricultural. The following abstract, furnished by the custom-house at Faversham, will show the amount of imports and exports at different periods.

(a) Marshall's Statistics, p. 82, No. 483.

At p. 28, No. 1395, the population and inhabited houses are given, but those for 1801 do not agree with the above. The numbers there are,

1801:
Population - - - - - - - 3,364
Inhabited houses - - - - - - 558
That part only of the parish, which is within the liberty, may probably be included in this Return.

(b) Census of 1831.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		Coastwise, including Ireland.				Number and Tonnages of Registered Vessels belonging to the Port. (a)	
					Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons. (b)	Ships.	Tons. (b)	Ships.	Tons.
1810 - -	4	723	1	29	210	15,023	315	13,294	—	—
1811 - -	4	824	- -	- -	231	16,201	327	14.517	237	6,047
1812 - -	1	150	- -	- -	225	20,217	351	16,731	236	6,017
In the above three years all half decked boats were registered, but subsequently they have only been licensed.										
1820 - -	31	1,447	1	17	333	24,392	466	19,170	—	—
1821 - -	33	2,107	4	248	314	20,433	521	22,503	268	6,229
1822 - -	42	2,438	- -	- -	334	22,941	543	23,420	—	—
Between these years privilege was first granted for vessels with hay, and many other goods, to sail without clearing, so that no entry is made of part of the trade.										
1830 - -	15	1,233	1	40	233	26,884	372	22,826	216	7,238
1831 - -	15	1,681	1	45	216	23,090	320	22,846	216	7,428
1832 - -	15	1,776	3	152	271	24,312	340	28,582	218	7,581

	Receipts of Duties in the Years									
	1810 (c).	1811.	1812.	1820.	1821.	1822.	1830.	1831.	1832.	1833.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Imports are principally on deals and timber.	2,062	1,949	815	1,752	2,717	3,146	2,155	4,266	4,521	4,709
			Between these years 1-4th of the duty was taken off coals.							
Coastwise on coals. Slate is not included, being of minor importance.	4,798	4,614	4,489	3,085	2,648	3,599	3,541	- - The duty was taken off coals and slate early in 1831.		
£.	6,860	6,563	5,304	4,837	5,365	6,745	5,696	4,266	4,521	4,709

	Goods Coastwise, Inwards.									
	1810.	1811.	1812.	1820.	1821.	1822.	1830.	1831 (d).	1832.	1833.
Coals by chaldron	11,996	11,536	11,224	10,286	8,828	11,999	11,804	12,000	12,000	—
The general merchandize, principally from London, to supply Faversham, Ashford and the neighbouring country, consists of such a variety of goods that no account can be given.										

Goods Coastwise, Outwards.

Corn by quarters Flour by sack - Hops by bag -	No account can be rendered from want of records. The last three years, 1831, 1832 and 1833, average about - - - - - - - - - -	28,000 quarters. 8,600 sacks. 1,200 bags.

(a) These columns include Milton, Whitstable and Herne Bay; beside the above there are about twice the number of half decked and open boats.

(b) This column cannot be made correct, no accounts furnishing particulars sufficient.

(c) In years 1807 and 1808 no goods whatever were imported, and in 1813 only 112 *l.* was received; but since that time there has been nearly a gradual increase.

(d) The duty having been taken off coals in 1831, the account is not correct, but supposed to be about the sum stated.

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Local Acts.

66. The following are the Titles of the Local Acts relating to the town:

25 Geo. 3, c. 7. An Act for the more easy and speedy recovery of Small Debts within the Town and Port of Faversham, the Hundreds of Faversham and Boughton, and the several Parishes of Ospringe, Seasalter and Whitstable, in the County of Kent.

29 Geo. 3, c. 69. An Act for the better paving, repairing, cleansing, lighting and watching the Highways, Streets, Lanes and other public Passages and Places within the Town and Liberty of Faversham in the County of Kent, and also certain places near or adjoining thereto, and for removing and preventing Encroachments, Obstructions, Nuisances and Annoyances therein.

Documents.

67. Copies of the following Documents are sent with this Report:

1. Resolutions of a Court of Wardmote relating to the Municipal Corporation Commission.
2. Translation of the Charter of Henry 8.
3. Summary of the Duties of a Presenter.
4. Return relating to the Criminal Jurisdiction.
5. Table of Fees of the Clerk of the Peace.
6. Table of Fees of the Clerk to the Justices.
7. Return relating to the Civil Jurisdiction.
8. Market Tolls and Regulations.
9. Return, made to the House of Commons in 1833, of the Charitable Funds, &c. of the Corporation.
10. Custom-house Return, made to the Government in 1833, of Duties, Rates and Tolls on Shipping and Goods imported into, or exported from, the Port of Faversham.

D. Maude.

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REPORT

ON

THE CORPORATION OF FOLKESTONE,

(KENT.)

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CORPORATION OF FOLKESTONE.

Limits.

THE jurisdiction of the Corporation of Folkestone is not co-extensive with the parish of Folkestone, but comprises the town, and a district to the eastward and westward of the town, well defined by occasional perambulations. To the eastward the boundary meets the sea at a place called Rakemeer Pond; to the westward it just includes Sandgate Castle.

The northern boundary corresponds with the red line in the map of the Boundary Commissioners.

The population within the limits of the jurisdiction of the corporation is about 3,650; the rest of the parish, which is agricultural, contains about 700.

Charters.

Folkestone is a member of the town and port of Dover, one of the cinque ports, and as such receives its constitution from the charters which apply to those ports in general. The whole of these charters, which are very numerous, and commence in the reign of Edward I. are recited and confirmed in the governing charter, the 20th Car. II. of which a more detailed account will be found in the Report on the Corporation of Dover, now the chief cinque port.

The only charters in the possession of the corporation of Folkestone are one of the 26th July, in the 7th of Edward II. (1313), and one of the 25th February, 1st Edward III. (1326).

They correspond with the general charters to all the cinque ports set out in Jeake's Charters, pp. 43, 50.

Title and Body Corporate.

The Title of the corporation is, "The Mayor, Jurats and Commonalty of the town of Folkestone," and

The Body Corporate consists of twelve jurats, including the mayor, and 24 commoners, or common councilmen.

Jurats, their Election and Functions.

The Jurats are, upon a vacancy, elected for life by a majority of the mayor, jurats and commoners, from among the body of commoners. The jurats as such are all of them justices of the peace within the town, and their jurisdiction is exclusive of the county magistrates.

At present there are but nine jurats besides the mayor. All are resident.

They have no salary or emoluments. They pay to the corporation on their admission 1 *l.*

Commoners.

The Commoners are upon a vacancy elected for life from among the freemen of the town, by a majority of the mayor, jurats and commoners.

Ruling Body.

With the mayor and jurats they assist in the election of members of the body corporate, the enacting of bye-laws, and all other business of the corporation, there being no Ruling Body other than the entire corporation.

They have no other functions; and no salary or emoluments. Three of them at present are non-resident; one of the three is in America.

They pay to the corporation on admission 10 *s.* 6 *d.*

Freemen.

Freemen are created by birth, marriage, servitude and purchase.

1. All sons of freemen are entitled to take up their freedom on coming of age.

2. The person who marries a freeman's daughter, becomes on such marriage entitled to his freedom.

3. A seven years' apprenticeship served with a freeman in the town, entitles the party serving to his freedom.

4. The corporation confer the freedom, on payment of the sum of 20 *l.* This amount was fixed by a bye-law of 1811.

When females require the freedom for the purpose of trading in the town, without being exposed to a fine payable by traders who are not free, it has been the custom to make them pay annually the interest of 20 *l.*, instead of calling on them for the principal sum.

It is supposed that the mayor has the privilege of conferring the freedom upon occasion of perambulations; but no instance of the kind is remembered.

Honorary freemen are occasionally, but rarely, appointed.

Fees on taking up Freedom.

The Fee upon admission to the freedom is 6 *s.*; 5 *s.* to the town clerk, and 1 *s.* to the serjeant at mace. This is in addition to the stamp of 3 *l.* on admission by purchase, and 1 *l.* on all other admissions.

The freemen have, in effect, the exclusive right of trading in the town, a fine of 6 *s.* 8 *d.* per diem being imposed on all who trade without taking up their freedom.

They are also exempt from county rates, and from serving on juries in the county.

The other privileges conferred on them by the cinque port charters, (for which see the Report on Dover,) have ceased to be of importance.

The number of resident freemen is - - - - -	180
Non-resident - - - - - - - - -	132
	312

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Officers of the Corporation.

The Officers of the Corporation are,—

A Mayor.	Water-bailiff.
Recorder, or High Steward.	Town Crier.
Town Clerk.	Coal-meter.
Chamberlain.	Flesh-searcher, and
Serjeant at Mace.	Ale-taster.

The mayor, recorder and town clerk are the only officers mentioned in the charters, and no mode of election is pointed out. The practice has always been as follows:

Mayor.

The Mayor is elected annually on the 8th of September, by the freemen, including the common councilmen, from among the jurats.

He is chief magistrate; presides at the sessions and in the court of record, and is also coroner, by virtue of his office.

On his election he appoints a deputy, who must be one of the jurats.

He has a salary of 2 *l.* 13 *s.* 4 *d.*; a fee of 6 *d.* on sealing writs in the court of record, and, as coroner, a fee of 13 *s.* 4 *d.* on every inquest.

Recorder.

The Recorder, or High Steward, is, on a vacancy, chosen for life, by a majority of the whole corporation.

It has always been the custom to elect a barrister.

His duty is to assist the mayor and jurats at the sessions, or other courts in which the mayor and jurats sit in their judicial capacity, and he has always attended the sessions when there have been prisoners to try. He has a salary of 2 *l.* 2 *s.*, and 10 *l.* 10 *s.* for every attendance at sessions.

Town Clerk.

The Town Clerk is also appointed for life, by a majority of the whole corporation.

He transacts the law business of the corporation, is clerk of the peace at the sessions, and assists in the court of record.

He has a salary of 2 *l.* a year; his professional charges for business done; a small fee on the admission of freemen; and his fees at the sessions, which are the same as in the county.

Chamberlain.

The Chamberlain is elected annually, by a majority of the whole corporation, from among the commoners.

He collects the revenue, and makes the disbursements of the corporation, to whom he accounts annually. He has a salary of 18 *s.* 4 *d.*

Serjeant at Mace.

The Serjeant at Mace is, upon a vacancy, appointed during pleasure, by the mayor for the time being.

His duty is to attend the corporation on public occasions, and to serve notices.

He has a salary of 20 *l.*, a livery, and a fee of 1 *s.* on the admission of freemen.

Water-bailiff.

The Water-bailiff is appointed during pleasure by the lord of the manor and barony of Folkestone.

His duties are to impannel and summon juries, to act as crier of the courts and keep the gaol.

The office is at present filled by the serjeant at mace.

As water-bailiff he has a salary of 5 *l.*; and a house as gaoler. Both from the lord of the manor.

Town Crier.

The Town Crier is appointed by the mayor and jurats. His only emoluments are his charges for crying.

Coalmeter.

The Coalmeter is also appointed by the mayor and jurats. He has from the shipowners 4 *d.* for every forty bushels of coals meted.

Flesh-searcher and Ale-taster.

A Flesh-searcher and an Ale-taster, whose duties are to see to the qualities of meat and drink sold in the town, are appointed annually by the grand jury, at the town-sessions.

Fees and Fines.

There are no Fees upon admission to office. But a jurat refusing to serve, or resigning, is liable to a fine of 20 *l.*; and a commoner to a fine of 10 *l.*

This amount was fixed by a bye-law of 1800.

The fine upon resigning after many years service is complained of as a grievance.

There is also a fine for non-attendance at a common council: jurat, 5 *s.*; commoner, 2 *s.* 6 *d.*

Courts: Sessions.

The corporation are entitled to hold Courts of Sessions and Gaol Delivery, before two or more of the mayor and jurats, of whom the mayor or his deputy must be one. The jurisdiction is exclusive of the county magistrates, and extends to every kind of offence.

A court of sessions and gaol delivery is holden once a year, usually in April, and oftener as occasion requires. But the number of persons tried is very small, and the cases are chiefly misdemeanors. Upon an average, not more than one case of felony is tried in a year.

Court of Record.

There is also a Court of Record holden every fifteen days, before the mayor, jurats and town clerk. But notwithstanding the jurisdiction of the court extends to every kind of action, and for any amount, trials are almost unknown, and the practice is confined to a few suits for small debts, which are usually settled before coming to issue.

Court of Requests.

Under a Local Act there is a Court of Requests; jurisdiction limited to 40 *s.*

Juries.

The Juries are impannelled and summoned by the water-bailiff. For grand juries he confines himself to 40 *s.* freeholders. Petty jurors are taken from the resident householders.

Police.

There is no Police besides the constables, who are appointed by the grand jury at the annual sessions; there are eighteen of them.

The town is not lighted, and the local Paving Act is in many respects defective; among

FOLKESTONE.

others, in exempting inhabitants from the rate where their dwelling happens not to abut on the pavement.

Gaol.

The Gaol, which is insecure, is kept up by the lord of the manor; who, as before stated, appoints the gaoler.

However, it is only used for custody previous to trial, and for debtors from the court of requests; other debtors are sent to Dover Castle, and prisoners under sentence to the county prison.

The revenues of the corporation, which do not exceed 240 *l.* a year, are derived from the fines above described; from the interest of 600 *l.* accumulated from the same source; from some small dues; and from certain rates levied on the inhabitants by virtue of the Cinque Port charters, called the chamberlain's rate and the ability tax; the chamberlain's rate being imposed on property, and the ability tax on persons, for the purposes of the corporation and freemen. The ability tax, which is only levied once a year, in order to keep up evidence of the prescriptive right to levy it, is 1*s.* 6*d.* a head, and some complaints are made at its being the same for all, however differing in ability.

Out of this revenue the corporation pay Lord Radnor for the rent of the New Town Hall erected by him, of the tolls of fairs and markets, and of two acres of garden ground adjoining the New Town Hall. The whole demised by Lord Radnor to the corporation. The rent of the Old Town Hall, of the two acres of garden ground, and the produce of the tolls, which have been underlet and the proceeds appropriated to the payment of this charge, do not cover half its annual amount. A debt of 170 *l.* has been incurred in fitting up the Hall.

The following is a statement of the last year's receipts and expenditure, and of the totals for the three years preceding.

RECEIPTS.

	£.	s.	d.
The late chamberlain, balance in hand	48	5	2½
Amount of purchase money for three freedoms	60	–	–
Ditto for admission of two commoners	1	1	–
Composition for a female carrying on business	1	–	–
Assessments on lands and tenements £. 175 17 9¼			
Deduct Cravings 68 18 9			
Balance 106 19 –¼			
	106	19	–¼
Ditto on abilities £. 22 19 –			
Deduct Cravings 2 4 –			
Balance 20 15 –			
	20	15	–
Amount of fish dues	1	10	–
£.	239	10	2¾

EXPENDITURE.

	£.	s.	d.
The mayor, as per bill, including salary	17	18	8
Ditto – serjeant's salary	20	13	7½
Town crier	–	6	–
Recorder, four years salary, and twice attending sessions (1832)	29	8	–
Quit-rent	–	4	4
For keeping engine in repair	5	5	–
Mr. Tolput, interest on debt	8	10	–
Insurance	1	11	6
Part of the rent of Guildhall	31	8	10½
Grand jury attending sessions	2	7	6
Petty jury – ditto	2	13	6
Constables – ditto	1	4	–
Gaoler's fee	2	2	–
Bill for sessions dinner	11	14	6
Men trying fire engine	–	8	6
Town clerk's bill	43	11	7
Men for cleaning town dyke	1	16	–
Expenses attending Committee on Pilot laws	15	6	–
Freemen (voting for mayor)	2	17	6
Chamberlain's salary	–	18	4
Sundry small bills	9	6	–
Balance in hand	29	18	9¾
£.	239	10	2¾

FOLKESTONE.

RECEIPTS.

	£.	s.	d.
For the year ending September 1829 - - - - - -	174	19	6
— ditto - 1830 - - - - - -	189	2	10 ¾
For two years ending - ditto - 1832 - - - - - -	335	14	8 ½
For one year ending - ditto - 1833 - - - - - -	239	10	2 ¾

EXPENDITURE.

	£.	s.	d.
For the year ending September 1829 - - - - - -	176	—	8
— ditto - 1830 - - - - - -	191	16	11 ½
For two years ending - ditto - 1832 - - - - - -	287	9	6
For one year ending - ditto - 1833 - - - - - -	209	11	5

Patronage.

The Mayor and Jurats nominate the master of a small endowed school; but he receives his appointment from the trustees of the school.

The mayor and jurats also nominate the objects of most of the charities in the town, chiefly pecuniary bequests; but they have no other patronage.

General State.

The town is far from being in a flourishing state. The poor rates are high, and on the increase; fishing and smuggling, the chief occupation of the town in former times, having both declined.

The fishery has failed of late years from the scarcity of fish on the neighbouring coasts, which some ascribe to the skill of the French fishermen, others, with more appearance of reason, to the English practice of catching the fry of fish in great quantities, for the purpose of manure; but above all, to a Custom-house regulation, by which the English boats are prohibited from fishing beyond a certain distance from the shore.

About 54,000*l.* has been laid out (chiefly by a joint stock company) in the formation of a harbour; but the outlay has been rendered fruitless, for want of 10 or 20,000*l.* more to construct a backwater with sluices, for the purpose of clearing the harbour of shingle thrown into it by the south-west winds.

Although the Company has received no return for the money expended, the dues imposed with a view to such return are sufficient to deter a considerable number of vessels from entering, which might profit by the work in its present state. About 10,000 tons of shipping entered the port in the course of last year, exclusive of vessels under 15 tons burden.

The Custom-house accounts are kept at Dover.

It would be of advantage to the town, and to the shipping interest in general, that it should be made a station for pilots. On many and pressing occasions a pilot may be put on board from Folkestone, when his reaching the vessel that requires him is difficult or impossible from Dover.

Folkestone having hitherto been without a representative, it is believed in the town, and apparently with reason, that such an arrangement has been prevented by the superior Parliamentary interest attached to Dover.

As a port of embarkation for Boulogne, it is in many respects preferable to Dover.

Local Acts.

The following are the Local Acts relating to the town:

6 Geo. 3, intituled, "An Act for the support and preservation of the Parish Church of Folkestone, and the lower part of the Town of Folkestone, in the county of Kent."

26 Geo. 3. "An Act for the more easy and speedy recovery of Small Debts within the Town and Port of Folkestone, and the parishes of Folkestone, Cheriton, Newington next Hithe, Stanford, Postling, Lyminge, Elham, Paddlesworth, Acrise, Swingfield and Hawkinge, in the county of Kent."

47 Geo. 3. "An Act for constructing a Pier and Harbour at or near the Town of Folkestone, in the county of Kent."

49 Geo. 3. "An Act for paving, repairing and cleansing the Highways, Streets and Lanes in the Town of Folkestone and Liberty thereof, in the County of Kent; and for removing and preventing Nuisances and Annoyances therein."

58 Geo. 3. "An Act for altering and amending an Act passed in the 47th year of His present Majesty, for constructing a Pier and Harbour at or near the Town of Folkestone, in the County of Kent; for varying the Limits, and improving and rendering more commodious the said Pier and Harbour; for raising a further sum of Money for completing the same, and for extending the powers and provisions of the said Act."

London March 24. *P. Bingham.*

REPORT

ON

THE CORPORATION OF FORDWICH.

(KENT.)

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CORPORATION OF FORDWICH.

1. THE Jurisdiction of the Corporation of Fordwich extends over the whole of the parish of Fordwich, and part of the parish of Sturry. Within these are contained nearly all the population of the liberty. According to the census of 1831, Fordwich had then a population of 287, and this has not sensibly increased. The population of Sturry within the liberty is not so great. The liberties, however, run into the parishes of Westbeer, Stodmarsh, Wickhambreux, Stourmouth, Chislett and Wingham, but embrace little or no population in them. The corporation maintain that their jurisdiction takes in small parts of the parishes of St. Mary Northgate and St. Martin, both in the city of Canterbury. They possess, however, no map nor documents which prove this, nor was any exercise of jurisdiction within these parishes known. The maps of the corporation of Canterbury take in the whole of these two parishes, and their boundary-stones seem to correspond with them, so that there is reason for inferring that the corporation of Fordwich are mistaken in their claim. The supposition, however, seems to have existed some time, as in Hasted's History of Kent the liberties of Fordwich are described as extending into these two parishes. The water liberty extends for about nine miles down the river, to a point called Pluck's Gutter. The jurisdiction is thus described in the Customal: "Also they have the entire franchise in the river, which flows and ebbs unto Stourmouth, and so over the lands on both sides of the river, as far as a man, being in a boat at high water, can draw an axe of 7 lb. weight, called a taper axe, upon the land." There are three or four houses on the banks of the river, which are understood to be within this jurisdiction. Limits of the Jurisdiction.

2. The corporation are not at present possessed of any Charters. The following are set out in their Customal. Charters.

3. A charter of Henry II. is set out, but no date is assigned to it in the Customal. It grants to the good men of the town of Fordwich, that none of them be impleaded out of the town of any land or tenement within it. They are to have a *gilda mercatoria*. They are to be quit of toll throughout the kingdom. No sheriff or bailiff is to intromit concerning any matter relating to the town. They and their goods are not to be arrested for any debt for which they are not sureties or principal debtors. There is a confirmation of all previous liberties. Charter of Henry II.

4. A charter of Edward [ ] is set out, bearing date the 19th of May, in the 17th year of his reign. This charter recites, that the steward and marshal of the King's household and clerk of the market had exercised their offices within the town of Fordwich, and had committed many grievances and oppressions. It then grants, that in future the exercise of these offices shall not be injurious to the mayor and barons, but that they shall enjoy all their previous privileges and liberties without impediment. Charter by Edw. [ ]

5. The Title of the Corporation is, "The Mayor, Jurats and Commonalty of the Town of Fordwich." Title of the Corporation.

6. The Officers connected with the Corporation are, Officers.

Mayor	1
Steward or Recorder	1
Jurats	12
Town Clerk	1
Treasurer	1
Serjeant at Mace	1
Water Bailiff	1
Coalmeters	2
Constable	1
Borsholders	2
Gaoler	1
Key-keepers	3

7. There are at present 10 Freemen, of whom 4 only are resident. Freemen.

8. The Mayor is in practice elected annually from the jurats by the resident freemen. On the day of election, the mayor, jurats, freemen and town clerk assemble in the Guildhall. The town clerk writes, in what is called the poll-book, the names of the mayor and jurats: he gives this book to the senior freeman present. The freemen then retire with the book, and vote by making a mark opposite to the name of a jurat. The book is then given to the town clerk, who declares the election. The vote of a non-resident freeman has been rejected. Mayor. Election of.

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It was not known how long the election of the mayor exclusively from the jurats had existed. The Customal does not so restrict it. The form of election is set out in that, and is as follows. The mayor, jurats and commonalty are to assemble themselves. "Then the commonalty are to say to the mayor, 'Arise, and go out;' and likewise other three good men, who shall be there nominated, whether they shall be present or not. And those three shall be so chosen from the more honest and discreet men of the aforesaid town, but nevertheless freemen." The mayor is to be elected out of these four. As will have been seen by section 7, there are at present four electors. A jurat stated that, at one election, there was only one resident freeman present. Up to the year 1830, the same individual had been mayor for 44 years in succession. After his death in that year, a near relation of his was elected three times in succession. In 1832 another person was elected, who was re-elected in 1833. The individual first mentioned seems to have obtained a great influence in the town, in a great measure by the utility he was of to the inhabitants in all emergencies, he being always first applied to. He had the means of having any one admitted into the corporation whom he wished. There seemed to be no doubt that he was nearly the only inhabitant, who was competent to act as a magistrate. These circumstances will account for the continued office which he held. In 1831 a mayor was elected, after which the court was adjourned for a fortnight. The person elected was not present at the time, but some of the electors met him in the town on going from the guildhall, and were told by him that he would not accept the office. Upon this most of the electors returned to the hall, and proceeded to a new election. One of the freemen stated that he did not know that a second election was going to take place, although he had heard of the refusal. Another freeman heard that there was to be a second election, but refused to go to the guildhall. The entry in the book states the first election, and that, the person elected not being present, the court was adjourned for a fortnight, in order for him to be sworn. This entry is signed by several of the court. After this is an entry, that "at the same court" the person elected appeared, and, refusing the office, another person was elected. It is not considered necessary that a majority of the jurats or of the freemen should be present. It was formerly the practice to send information to Sandwich of the election of the mayor, previously to the arrival of which the mayor of Sandwich was not elected. This has been discontinued some years. The mayor is to hold office until another be sworn.

Deputy Mayor, Appointment of.

9. The Mayor may appoint a Deputy, who continues such for the whole year. This is done by merely entering the appointment in the book. It is very rarely made.

Steward or Recorder, Election of.

10. The Recorder or Steward is elected by the mayor and jurats. The present recorder was elected in 1807. He is a Chancery barrister and King's counsel. He resides in London.

Jurats, Election of.

11. The Jurats must be elected from the freemen. It is a subject of dispute between the jurats and freemen, in whom the right of election is. Nothing is said of the election in the Customal. The jurats contend, that they and the mayor have the exclusive right of election, the freemen, that the right is in them along with the jurats. Very few entries in the books are explicit upon this subject. They generally state merely the person elected, and not the electing body. Some of these entries are signed by jurats and freemen, others by jurats only. The entries of the election of mayor and of the admission of freemen are always signed by both jurats and freemen. An entry in 1724 and also one in 1725 state the election of a jurat by the mayor and jurats. During the continued mayoralty of the same person, mentioned in section 8, the question seems not to have been mooted. After the death of this person, there were only three jurats, (one of them non-resident,) including the mayor. The latter officer was requested by the freemen to proceed to an election of jurats. He called a hall of the whole body, to consult whether there should be an election; all were agreed upon the expediency of this, but, as there was a dispute as to the right of election, nothing further was done. The recorder was then consulted upon the subject, and he, after referring to the books of the corporation, gave his opinion that the right was in the mayor and jurats only. At the next common hall, consisting of the whole body, a person was admitted to the freedom, and was immediately afterwards elected a jurat, by the jurats, as they themselves say, but by the jurats and freemen jointly, as the latter state. No division was come to, as all parties approved of the person elected. The freemen state, that the mayor asked them if they had any objection to this election; he, on the contrary, states, that their approval of the admission to the freedom only was asked. In the entry in the book, the point seems to have been evaded, as the admission to the freedom and the election of jurat are entered together, and this entry is signed by both jurats and freemen. The same thing seems to have been done on another election since this. The entry of the last election of a jurat states it to have been made at a meeting of the magistrates. The town clerk stated that a majority of the existing number of jurats was not considered necessary. The evidence as to the ancient practice was contradictory. There are at present six jurats, including the mayor; only three of them reside within the jurisdiction. This was represented to be an unusually large number. In the year 1830 there were only two jurats, including the mayor. For a period of ten years before that time there were only three jurats. The Customal mentions twelve jurats, whether inclusive or not of the mayor does not appear. That is considered the prescriptive number.

Town Clerk, Election of.

12. The Town Clerk is elected by the mayor and jurats. One of the freemen stated that their body claimed a voice in this election; but it clearly appeared that, on the last two vacancies

FORDWICH.

vacancies, the mayor and jurats only elected. The entries so state the fact. It was thought that the appointment had generally been given to the mayor. The present town clerk was elected in 1828; he is a practising attorney residing at Canterbury, a distance of between two and three miles from Fordwich.

Treasurer, Election of.

13. The Treasurer is elected annually by the mayor, jurats and freemen. The election is merely nominal, the town clerk having for many years held the office. One of the freemen stated that it was the practice many years ago to make a freeman treasurer, and that he had understood that none but a freeman could hold the office. The town clerk is not a freeman.

Serjeant at Mace, Appointment of.

14. Little seemed to be known in whom the appointment of Serjeant at Mace was. The Customal directs that the new mayor annually, on coming into office, "*faciet eligere*" the serjeants and other officers of the corporation. The present serjeant at mace has held the office 31 years. He stated that the then mayor appointed him, but that, before he did so, he told him to call upon all the freemen, to ask them if they had any objection to the appointment. An entry of the appointment appears in the treasurer's book every year, but it is not stated who makes the appointment.

Water Bailiff, Appointment of.

15. The Water Bailiff is appointed by the mayor, jurats and freemen. Only one water bailiff has been appointed of late years: there is no such officer at present.

Coal Meters, Appointment of.

16. The Coal Meters are appointed annually by the mayor, jurats and freemen. There is however an entry, in the book for the year 1729, of an election of coal meters by the mayor and jurats only.

Constable, Appointment of.

17. The Constable is appointed by the justices at the general sessions, on the presentment of the grand jury. The jury return two names of householders to the justices, who select one. There seems to be no objection made to serve this office. The same person is frequently re-appointed, if he be considered to be an efficient officer. This is not done against his consent. A person, who has served the office of borsholder the preceding year, is frequently appointed.

Borsholders, Appointment of.

18. The Borsholders are appointed in the same way, and from the same class of persons, as the constable. The jury return four names to the justices, who select two. One of these officers generally resides at Fordwich, and the other at Grove Ferry, which is a small hamlet within the jurisdiction, about six miles from Fordwich. The person who resides at Grove Ferry has served the office several years.

Gaoler, Appointment of.

19. The Gaoler is appointed annually by the mayor and jurats. A re-appointment is generally made as a matter of course.

Key-keepers, Election of.

20. The Key-keepers are elected annually by the mayor, jurats and freemen. They ought to be jurats, but are not so always.

Penalty for not taking Office.

21. The Customal sets out the following Penalty upon any one refusing the office of mayor after election, and after having been three times summoned. The commonalty are to go to his capital messuage, if he have one of his own, and the same by hooks and all other means in their power prostrate to the ground. If he have no house, he is to lose his freedom until he shall have repented. There was a refusal some years ago, but no penalty was exacted. A jurat refusing to be sworn is to incur loss of freedom.

Freemen, Admission of.

22. The Freedom may be acquired by birth, by marriage, or by purchase.

—— by Birth.

Every son of a freeman, born within the liberties after his father has become free, is entitled to his freedom on the payment of 5*l.* to the corporation.

—— by Marriage.

Every person marrying the daughter of a freeman, who was born within the liberties after her father became free, is entitled to his freedom on the payment of 5*l.* to the corporation.

—— by Purchase.

Persons are sometimes allowed to purchase the freedom. The purchase money has varied from 7*l.* to 25*l.*: the amount has depended upon the number of the freemen existing at the time of any application to purchase. For some years the purchase money has been 15*l.*

There is a fee of 10*s.* 6*d.* paid to the town clerk, on every admission to the freedom of any of the above classes.

Ancient Mode.

The admission to the freedom seems in ancient times to have been much less restricted. The Customal states "that all those are freemen and freewomen, who shall marry any freeman or freewoman; and also all those are freemen and freewomen, whosoever shall be born within the aforesaid liberty; and likewise they may become free by purchase."

Governing Body.

23. The Mayor, Jurats and Freemen form the Governing Body. An assembly of them is called a Common Hall. There are always two common halls in the year, one on what is called the accounting day, for the audit of the accounts, and the other for the choice and swearing of the mayor. Other meetings are called, if necessary. The serjeant summons

FORDWICH.

all the resident members, and the town clerk writes to the non-resident to give them notice of a common hall. All the affairs of the corporation are regulated at their meetings.

Constitution of the Corporation.

24. There can be no doubt, that, according to law, the corporation has long been extinct, from want of a sufficient number of members. In the year 1830, there were only two jurats, the prescriptive number being twelve, and at the election of officers, there seems not to have been always a majority even of the existing body present. The election of mayor also, in 1831, seems to have been informal, and this would probably vitiate other elections. The only inducement to persons to enter the corporation seems to be the privilege of having a share in the fishery, mentioned in Section 46.

Mayor, Functions of.

25. The Mayor is a justice of the peace within the liberties. This power is supposed to be derived from the charters granted to the Cinque Ports. What little business there is, requiring a justice, is done by the mayor.

Coroner.

He is coroner within the liberties. It was thought that the mayor had generally taken the town clerk with him, when he had to hold an inquest. Only one inquest has been held since the present town clerk came into office; the then mayor, considering the case a very clear one, held it without the assistance of the town clerk.

The mayor has no salary. He has the privilege of three turns in the fishery to the freemen's one. An explanation of this privilege will be given in Section 46. He has no expenses from the office; his postage of official letters is paid by the corporation.

Steward, or Recorder, Functions of.

26. The Steward or Recorder is not a justice of the peace. He attends the general sessions, and acts as recorder in conducting the business. He has one guinea for attending the sessions, and is allowed his turn in the fishery with the freemen.

Jurats, Functions of.

27. The Jurats are justices of the peace, but, except at the general sessions, are very rarely called upon to act. They have each their turn with the freemen in the fishery.

Town Clerk, Functions of.

28. The Town Clerk attends the common halls, and enters the proceedings in the book. He is clerk to the justices. He attends the general sessions as clerk of the peace. He is considered to be the legal adviser and solicitor of the corporation. These duties are very trifling, and occupy very little of his time.

When a rate in the nature of a county rate is imposed, he receives and applies it. This is probably in his character of treasurer of the corporation. He has no salary, but is allowed his turn in the fishery with the freemen. He makes out no professional bill for the ordinary duties of his office. His fees, as clerk to the justices, are scarcely more than nominal.

Treasurer, Functions of.

29. The Treasurer receives and pays every thing for the corporation. He usually collects the rents and other proceeds of the corporation on the accounting day, before the common hall is held. The bills upon the corporation, which are chiefly owing to persons within the town, are brought to him on the same day, which he pays with the money he has received. For the last few years there has always been a balance against the treasurer, amounting to between 95*l.* and 150*l.*; this is carried forward from year to year. The accounts are examined with the vouchers, and passed at the common hall, and the book is signed by such of the members of it as attend. Any freeman can see the accounts, whenever he wishes. The treasurer, either as treasurer or town clerk, receives and applies any borough rate which may be made. He has no salary, nor allowance beyond the interest of any balance in his hands.

Serjeant at Mace, Functions of.

30. The Serjeant at Mace is the general servant of the corporation. He attends the common halls. He attends the general sessions as crier. He puts down and takes up the net of the corporation during the fishery season. An explanation of this will be given in Section 46. He carries the fish to the person to whom it belongs. He is employed as town crier.

He has a salary of 2*l.* 16*s.* He receives a donation from the persons to whom he carries the fish. The latter emoluments he averages at about 30*s.* in the season. He has 6*d.* each time he acts as crier, paid by the persons who employ him: the annual amount of this is very trifling.

Water Bailiff, Functions of.

31. A Water Bailiff was lately appointed to watch and prevent depredations to the fishery. The corporation paid him 1*l.* a month during the season, which comprehended about 3 months.

Coalmeters, Functions of.

32. The office of Coalmeters seems to have become useless since the duty on coals was taken off. Any one has a right to require the superintendence of one of the coalmeters on landing coals; but this is seldom or never done. The allowance for this is 2*d.* a chaldron, paid by the persons who employ them. The coalmeters have no salary.

Constables and Borsholders, Functions of.

33. The Constable and Borsholders are seldom called upon. They attend the general sessions, for which they summons the juries. They have the fees of office. Some allowance is

FORDWICH.

is made to them for summoning juries; but, in consequence of some dispute, whether this should be paid out of the poor rate or out of the corporation fund, nothing seems to have been paid for several years. They have no other allowance.

Gaoler, Functions of.

34. The Gaoler's functions are merely nominal, as will be inferred from the fact, that the person, who had been gaoler for many years, was not aware that he had been displaced, and that another person had been appointed in his stead. The gaoler has no salary.

Key-keepers. Functions of.

35. There are three keys to the chest containing the muniments of the corporation, of which the Key-keepers have the custody. They have no emoluments.

Freemen, Privileges of.

36. The Freemen have the privileges given by the charters to the Cinque Ports, the principal of which are, the exemption from toll throughout the kingdom, and the exemption from service in the militia. They are exempt from the bridge toll mentioned in Section 46. The freemen pay only half the composition taken from publicans, as mentioned in Section 46. They pay only 4*d.* a chaldron on landing coals at the quay, non-freemen paying 6*d.* as mentioned in Section 46.

General Sessions.

37. A Court of General Sessions is held every year before the mayor and other justices. The steward always attends. The town clerk officiates as the clerk of the peace and general officer of the court. The precept for summoning the jury is sent by the town clerk to the mayor, who inserts the names of such as he thinks proper. No petty jury list is made out, unless it be previously known that a bill of indictment is to be preferred, which has not taken place since the present town clerk came into office six years ago. The grand jury is summoned by the constable. The only business, which they ordinarily have to perform, is the presentment of persons for constable and borsholders, as mentioned in Sections 17 and 18. The sessions have jurisdiction in capital felonies, but it is now always usual to commit in such cases to the county gaol for trial at the assizes. An instance of this occurred a year and a half ago, on a charge of arson. No criminal case has been tried at the sessions within the last six years, nor any appeal.

Hundred Court.

38. It appears by the Customal, that a hundred court, for pleas of land as well as personal actions, used to be held every fifteen days before the mayor and 12 jurats, the attendance of all of whom seems to have been necessary. The amount of the sum recoverable in it is not mentioned in the Customal, but from some entries in the books of the corporation, of a court of jurisdiction to the amount of 10*s.*, it was thought that the hundred court must, lately at least, have been limited to this amount. Very little, however, was known respecting it. No civil action has been tried in any court in the liberties within the memory of any one living.

Court of Requests

39. The town is not within the jurisdiction of any Court of Requests. It was generally agreed, that the inhabitants would be benefited by being brought within the operation of the Canterbury Court Act.

Police.

40. The Constable and Borsholders form the only Police: they were considered to be quite sufficient.

Whether the Jurisdiction require extension.

41. The practical duties of the corporation, as will have been seen, are almost nominal. They possess, indeed, an unlimited criminal jurisdiction, but it is seldom called into practice. For many years there has been, and still is, one resident jurat competent to exercise the duties of a magistrate, but there seems little probability of this being always the case. The part of Sturry without the liberty might be included within it, but this would give very little additional population, and would not ensure a succession of efficient magistrates. The population is entirely of a rural character, and I see no means of constituting an efficient corporation. It seems, therefore, to be very desirable that the county magistrates should have, at all events, a concurrent jurisdiction within the liberties.

Town Rate.

42. There has seldom been any occasion to impose a rate in the nature of a county rate. In consequence, however, of a committal to the county gaol of some persons on a charge of arson, about 15 or 18 months ago, this became necessary. The rate was made by the justices at the general sessions; and a precept was directed to the constable to collect 55*l.* from the overseers, which is nearly 2*s.* in the pound on the poor rate assessment. This was paid over to the town clerk as treasurer, and was expended in the maintenance of the prisoners in the county gaol, and the expenses of the prosecution. The accounts relating to this are blended with the corporation accounts.

Gaol.

43. There is a small cell under the guildhall, which has been used, once or twice within the last few years for temporary purposes, as a prison. It is quite unfit in every respect for the confinement of any one. The gaoler stated that a person had been confined in it for three or four days on committal by the justices, for wishing to come upon the parish. I was unable to ascertain what the offence really was. The justices, however, have entered into a composition with the county, under the recent Act, for the committal and maintenance of their prisoners in the county gaol.

FORDWICH.

Poor.

44. The corporation have no interference with the management of the Poor, who are maintained by the parish in the ordinary manner.

Licenses.

45. There are three licensed public-houses within the liberties, two within the town of Fordwich, and one at Grove Ferry. Every licensed publican pays a small annual sum to the corporation, as will be mentioned in the next section.

Revenue.

46. The Income of the corporation is derived from the following sources, namely, the town quay, bridge tolls, admissions to the freedom, compositions for trading, a house and land, and a fishery.

Town Quay.

The Quay is the property of the corporation, and is kept in repair by them. The town being situated on the river Stour, the supply of coals and timber for the neighbourhood is landed at this quay. Dues are taken for all goods landed upon it, the principal of which are, 6*d.* a chaldron for coals, and 6*d.* a load (or 50 cubic feet) for timber. Freemen pay only two thirds of the dues. The corporation have a crane upon the quay, for the use of which persons pay, at the rate of 6*d.* for each load of timber raised by it. The quay and crane, with a small piece of land, are at present let from year to year, at a rent of 7*l.*, which is considered the full value. The rent has been as high as 20*l.* Some years ago there was a dispute between the corporation and the dean and chapter of Canterbury, as to the right of the latter to land their goods free from dues. This was referred to arbitration, and an award made, that the dean and chapter should pay a composition of 1*l.* annually for the privilege of landing their goods. This is regularly paid, but the privilege is very rarely exercised.

Bridge Tolls.

There are two small Bridges over the river Stour, in respect of which Tolls of 2*d.* for each waggon, and 1*d.* for each cart, are taken: nothing is taken for horses or other carriages. The freemen are exempt from these tolls. Nothing was known of the origin of the toll. It was supposed that the corporation had built the bridges over parts of the river, where there had previously been fords: they still keep them in repair. There was no idea that the tolls had existed from very ancient times. Complaint was made that the tolls, not being taken in respect of horses and carriages, were imposed entirely upon the poorer classes. They are at present let from year to year, at a rent of 5*l.* 5*s.* The repairs of the bridges, one year with another, cost more than is produced by the tolls.

Freedoms.

There were two admissions to the Freedom in the year ending September 1833, producing 10*l.*

Compositions for trading.

An annual sum of 2*s.* 6*d.* is collected from every person, whether free or not, exercising any trade, except that of a licensed publican, within the liberties. There were, in the year 1832–3, six persons who paid this sum. The publicans, if freemen, are required to pay 5*s.* a year each; if not free, 10*s.* There are three publicans, one of whom only is free; but by some mistake, as it was stated, arising from one of the other two having succeeded in the house a relation who was free, he has not been called upon for more than 5*s.*

House and Land.

The corporation are possessed of a house, with premises and a garden attached. This had been let upon a building lease of 99 years, which has lately expired, at a rent of 2*s.* 6*d.* One of the jurats has lately been in possession of the lease, and still occupies the premises. He and the corporation have not been able to agree upon the rent, which he is to pay upon a new lease for 30 years, from the expiration of the old one, and an agreement has been entered into between them that it is to be fixed by arbitration. This has not yet been done. It was thought that this was an advantageous way of letting the premises. The rent expected is about 20*l.* The corporation receive annually nominal sums, amounting to 6*d.*, from the occupiers of two houses, for the use of a foot-path. Nothing is known of the origin of this; the foot-path does not pass through the property of the corporation. There is a small plot of ground, which the corporation have used as long as can be remembered for the purpose of drying the fishing-net. This used to be open to the road, but was enclosed by the person mentioned in Section 8, as having been so many years mayor. This ground, at his death, came into the possession of a relative of his, who holds it under his will. The freemen conceive that the freehold of this land belongs to the corporation. The person in possession states that they were merely allowed the use of it for the purpose mentioned. This matter is still in dispute, but the corporation persist in using the ground as they have hitherto done. I was unable to obtain any satisfactory information as to the right of property. There is a very small extent of ground, and it can be worth very little.

Fishery.

The corporation are entitled to the exclusive Fishery of a portion of the river. The Fishery in the Oil Mill Pool, part of this, was let in the year 1832–3 for 2*l.* 2*s.* The more valuable part of the fishery is not let, but is enjoyed in the following manner. A net is put down every night during the season, by the town serjeant, and the fish taken is appropriated to the person whose turn it happens to be. The Mayor takes the first night of the season, and every succeeding night, until a fish is caught; after that, he has three turns to any other person's one. The lord of the manor and all the members of the corporation have each of them their respective turns. The mayor of Sandwich has three turns. The steward and town clerk are both allowed their turns, but have no claim to it. This privilege seems to form the chief

chief inducement to persons to come into the corporation. A turn in the fishery is valued at 2*l.* 2*s.* the season.

Right of Common

It was stated that the freemen were entitled to a Right of Common over 20 acres of land, which they were prevented from enjoying by the owner of the soil. One freeman stated that he remembered, when a boy, taking a freeman's horse to be turned out upon this common, but, from the overstocking of the land by an influential family of the town, the commonage became almost worthless, and the freemen discontinued turning their cattle out. From early entries in the books of the corporation, one of which states some disputes between that body and the dean and chapter of Canterbury, respecting a right of common, and an award by arbitration in favour of the right then claimed by the freemen, it would appear that they have this right upon some land. I was unable to identify the land mentioned in these entries with that upon which the freemen now claim a right of common, but circumstances render it very probable that it is the same. The land in question is at present the property of a person, who derived it from the individual, mentioned in section 8 as having held the office of mayor many years. The time for stocking is from September and October until February. The number of acres is supposed to be 20. It was thought that the common right was worth about 7*s.* 6*d.* an acre.

Bequest.

One hundred pounds was lately bequeathed to the corporation, the interest of which was to be applied for buying a new coat and hat every fifth year for the serjeant at mace, and the surplus for repairing the town hall.

Average Income.

The following is the regular income from the above sources:

	£.		
Quay	8	–	–
Bridge Tolls	5	5	–
Compositions for Trading	1	–	–
Fishery	2	2	–
	16	7	–
To these may be added,			
The probable future Rent of the House and Land	20	–	–
Interest on Bequest	4	–	–
Freedoms (one in two years)	2	10	–
	£. 42	17	–

Expenditure.

The Expenditure of the corporation, in the year ending September 1833, was 75*l.* 15*s.* 2*d.* This is much above the average expenditure, which is generally below the average income. The usual expenses of the year are, the salaries already mentioned, the mayor's postage for letters, and tradesmen's bills for repairs to the court hall, and for charges connected with the fishery. The additional expenditure in the year 1832–3 was caused by some repairs to the two bridges. The balance in the town clerk's hands has, for the last two or three years, been about 140*l.* No interest is allowed for this in the accounts.

Population.

47. The Population and number of inhabited houses in the parish of Fordwich, at four periods, were as follows:

	Year * 1801.	Year * 1811.	Year * 1821.	Year † 1831.
Population	236	252	242	287
Inhabited Houses	44	48	53	56

The population of the rest of the liberty is probably about the same.

The population is entirely agricultural.

Local Acts.

48. There is no Local Act relating to the town or liberty.

D. Maude.

* Marshall's Statistics, p. 83, No. 575. † Census of 1831.

REPORT

ON

THE CORPORATION OF HASTINGS,

(SUSSEX.)

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CORPORATION OF HASTINGS.

Limits.

THE jurisdiction of the corporation extends over the whole of the parishes of St. Clement, All Saints, the Holy Trinity, St. Andrew, St. Michael, St. Mary Magdalen, St. Mary Bulverhithe, and part of the parishes of Ore, St. Mary in the Castle, and St. Leonard. The boundary line of this district, which is called the Home Liberty, is, in general, correctly described in the map of the Boundary Commissioners; and the population, which in 1820 was little more than 6,000, in 1831 exceeded 10,000.

The corporation have jurisdiction also over a part of the parish of Bexhill, containing 16 houses, and about 750 acres in Pevensey Marsh, eight miles from Hastings;

Also, over part of the parish of St. Leonard's, near Winchelsea, about 48 acres, without any house, and about nine miles from Hastings;

Also, over the parish of Beaksbourne, near Canterbury, containing 51 houses, and about 1,100 acres, about 48 miles from Hastings; and

Also, over the vill of Grange, or Grench, near Rochester, containing 26 houses, and about 200 acres of land, about 50 miles from Hastings.

In Beaksbourne and Grange the justices of Kent have, under the 51st George III. c. 36., concurrent jurisdiction with the justices of Hastings.

Hastings is one of the cinque ports, and in importance stands next to Dover,* the chief of those ancient communities. The corporation of Hastings, therefore, are entitled to all the rights and privileges granted and confirmed to the cinque ports and their members, and the ancient towns of Rye and Winchelsea by Edward I. and many succeeding Sovereigns. The charters of these Sovereigns are all recited in a charter of 20 Car. II. of which a full account is given in the report on Dover.

The Cinque Ports and their members, with the towns of Rye and Winchelsea, furnished, in early times, the greater part of the Royal navy, and the rights and privileges in question were granted in consideration of that service. Few of them are now of importance, except the privilege of local judicature and exemption from county rates and services.

Besides the general charters, which apply to all the cinque ports and the two ancient towns, and their members, most of the corporations have one or more peculiar charters.

The only one of that sort in the possession of the corporation of Hastings, is a charter of the 31st Elizabeth, by which, after reciting that the barons and inhabitants of the town and port of Hasting, from time whereof the memory of man is not to the contrary, have been a body corporate, by the name of the Bailiff, Jurats and Commonalty of the Town and Port of Hasting, the Queen grants that the inhabitants of the said town and port shall be a body corporate, by the name of Mayor, Jurats and Commonalty of the Town and Port of Hasting, in the county of Sussex. The jurats to be 12, and the mayor, jurats and commonalty to have the power of making statutes and ordinances for the good regulation and government of the inhabitants. The mayor to be chosen in the same way as the bailiff used to be chosen; the jurats to be chosen by the mayor and jurats from among the commonalty. She also granted to the corporation the Stone Beach and other property, subject to a rent-charge of 25 *l.* a year.

Title.

The Title of the corporation is, "The Mayor, Jurats and Commonalty of the Town and Port of Hastings in the County of Sussex."

Body Corporate.

The body consists of 13 jurats, of whom the mayor is one, and an indefinite number of freemen, who constitute the commonalty.

Jurats.

The Jurats are, upon a vacancy, elected by the mayor and jurats, or a majority of them, from among the freemen; actually for life; but, as they are re-sworn annually when the new mayor enters into office, it is contended by some that their office is only annual. The records of the corporation, which go back no further than 1595, throw no light on the question. The jurats must be resident within the liberties, and may be removed for just cause by the mayor and jurats.

At present there are only nine jurats.

Freemen.

Freemen are elected by the mayor and jurats for life; and

The eldest son of a freeman, born in the town and port or liberties, after his father is made free, has a right to demand his freedom on attaining twenty-one.

The mayor and jurats may elect for freemen whom they please, inhabitants or not.

The right of freedom by birth was established in 1735, by the case of Moore *v.* The Corporation of Hastings, 10 State Tr. 140. 2 Strange Rep. 1017.

The evidence on which the jury decided in favour of the claimant consisted chiefly of extracts in support of the claim from an ancient customal of the Cinque Ports at large, and from an ancient customal of Hastings, then in the possession of the corporation.

According

* In point of precedency among the ports, Hastings stands first. The Hastings Commissioners sit at the right hand of the Speaker at the Courts of Brotherhood and Guestling; and the Barons of Hastings take precedence of the Barons of all other ports at the Coronation.

HASTINGS.

According to some of the extracts from customal of the Cinque Ports, the possession of a freehold in the town was also a title to the freedom.

These customals disappeared more than eighty years since; but the corporation books contain no entry of an admission to the freedom in right of a freehold property.

Previously to the reform in the representative system, the right of returning the two Members of Parliament for the town was vested in freemen resident, not receiving alms.

This privilege, for more than a century, appears to have been exercised at the dictation of a patron, and has from an early period, notwithstanding the apparent probability of extension, through title by birth, been confined to a small number of persons. In 1812, there were only 39 freemen in the whole, including jurats and non-residents; in 1820, only 33; and in 1830, only 30 resident. Up to that time the number had not materially varied for a century; in 1831 a large increase was made *uno flatu*, and the number now is 180 resident, 13 non-resident.

The Officers of the Corporation are—

A Mayor.
Twelve Jurats.
Town Counsel.
Town Clerk.
Two Chamberlains.
Eight Auditors.
A Mayor's Serjeant.
A Common Serjeant.
A Gaoler.
Two Pier Wardens.
Two Key Keepers.
A Bailiff of the Bourne, and Common Crier.
A Street Driver.
A Common Measurer.

Mayor.

The Mayor is elected annually, the third Monday after Easter, by the commonalty, from among the jurats.

He acts as chief magistrate; presides at the quarter sessions, and in the civil court; and is coroner and returning officer by virtue of his office.

He has no salary or emoluments.

The mayor has the power to appoint at will, from among the jurats, a deputy, to act during his illness or absence.

Jurats.

The Jurats, the mode of whose election has been before explained, are authorized to act as justices of the peace, and their authority is exclusive of the county magistrates.

They are also judges in the court of quarter sessions and civil court.

They have no salary or emoluments.

Town Counsel.

The Town Counsel, who, according to a bye-law, must be a barrister of nine years standing, is elected by the mayor, jurats and commonalty, and holds his office during pleasure.

He is the legal adviser of the corporation, and assists the bench at quarter sessions, but he has no voice in their decisions.

He has 10*l.* 10*s.* for his attendance at each sessions.

Town Clerk.

The Town Clerk is elected annually on the same day as the mayor, by the mayor, jurats and commonalty; and it has been usual to re-elect the same person.

He transacts the law business of the corporation; attends their public meetings; is clerk to the magistrates; clerk of the peace at the quarter sessions; and makes out the corporation accounts.

He has a salary of 12*l.* 9*s.* 2*d.*; his professional charges for extraordinary business; his fees in court; a small fee on the admission of freemen; and 1*l.* for every inquest holden by the mayor.

Chamberlains.

The Chamberlains are annually appointed by the mayor, jurats and commonalty from among the members of the entire body.

Their duties are to collect the revenues of the corporation, except the pier dues, make the disbursements, and keep the accounts.

They have no salary or emoluments.

Auditors.

Of the eight Auditors four are elected by the mayor and jurats from among the freemen, four by the freemen from among the jurats. The election takes place annually, on the same day as the election of the mayor.

They audit the corporation accounts, but receive neither salary nor emoluments.

Mayor's Serjeant.

The Mayor's Serjeant is appointed by the mayor on the day of his election for the year of his mayoralty. He serves process; attends the corporation meetings with a mace; and is sworn in as a constable.

He has a hat and cloak, a salary of 3*l.* 4*s.* 8*d.*, and some small fees.

Common Serjeant.

The Common Serjeant, who is also a serjeant at mace, is appointed annually by the freemen at the hundred court, and has the same salary and clothing as the mayor's serjeant.

The office of Gaoler is filled by the mayor's serjeant, and for that duty he has a salary of 30*l.* a year, and a residence in the gaol.

Pier-wardens.

The Pier-wardens are appointed annually by the freemen at the hundred court. They collect the revenues of the corporation arising from the duties on the landing of vessels, and from the imports and exports of merchandize at the landing-place called the Stade; superintend the capstans and lights there; and have the power of removing thence and from the sea-beach all obstructions and nuisances.

They have a salary of 5*l.* a year each.

The

HASTINGS.

Key-keepers.

The Key-keepers are appointed annually by the freemen at the Hundred Court. They keep the keys of the corporation chest. They have no salary or emoluments.

Bailiff of the Bourne, and Crier.

The Bailiff of the Bourne and Common Crier is appointed annually by the freemen at the Hundred Court. His duty as bailiff of the Bourne was to superintend a small stream which formed a kind of common sewer; but that duty is now, by a local Act, transferred to others.

As town crier, and for collecting certain market dues, he has a salary of 8 *l.* 13 *s.* 8 *d.*; a livery; and the ordinary fees for crying.

Street-driver.

The Street-driver is appointed annually by the freemen at the Hundred Court. His duty is to keep the pound and impound stray beasts. He has a salary of 2 *l.* a year and his fees for impounding.

Common Measurer.

A Common Measurer is appointed by the same body at the same time; but since the late statute regulating weights and measures his duties have ceased. He has no salary or emoluments.

Ruling Body.

In all matters of business relating to the corporation at large a general assembly is required, which consists of the mayor or his deputy, a majority of the jurats, and an indefinite number of freemen.

Previously to the reform, this body may be considered to have been, in effect, self-elected; for the low number at which the corporation continued so long stationary shows that care was taken to elect as freemen only such persons as were not likely to increase the body by having children.

The body so restricted in numbers, and having the return of two Members of Parliament, presented an apt instrument for the purposes of a patron, and can be scarcely said to have served any other purpose than that of enabling him to return two members in his own interest.

The corporation has very little revenue applicable to public purposes. The mayor and the greater number of resident jurats have generally been tradesmen, unqualified, however estimable in their private stations, to discharge the duties of magistrates or judges. In effect, those duties must have been discharged by the town clerk and town counsel, while the manifest dependence of the municipal authorities on the guidance of their own officers could scarcely have failed to lower the respectful feeling essential to a due administration of justice.

For a long series of years the entire control of the corporate body was in the hands of Mr. Milward, an opulent neighbour. With what advantage to himself and the private interests of the corporators may be inferred from the circumstance of their numbers having been suddenly increased from 30 to nearly 200, when they were about to be divested of the exclusive privilege of returning Members to Parliament. It is asserted that the Reform Bill has not materially affected the ancient influence, as nearly the whole of the land surrounding the town is still the property of Mr. Milward's family.

Fees and Fines.

The Fees paid on admission to the freedom are—

	£.	s.	d.
Where the party claims by birth	–	6	8
Town clerk's fee for swearing, entering and recording	–	10	6
Serjeant at mace and crier's ditto	–	3	–
Total £.	1	–	2

	£.	s.	d.
Where the party is elected and has not served the office of chamberlain	2	–	–
Town clerk's fee	–	10	6
Serjeant at mace ditto	–	3	–
Total £.	2	13	6

	£.	s.	d.
Where the party is elected, and has previously served as chamberlain	1	–	–
A freeman being elected a jurat, pays a fine of	2	–	–
Ditto having served the office of chamberlain, pays	1	–	–
Town clerk's fee, in each case	–	10	6

There are no other fines or fees paid on admission to any other office, or on refusal to serve.

Courts.

The Courts belonging to the town are, a court of quarter sessions and gaol delivery; a hundred court, and a court of record.

Sessions.

The General Quarter Sessions of the Peace are held quarterly before the mayor and jurats; two of the latter, besides the mayor or his deputy, being sufficient to constitute a court. They are assisted by a barrister at law, called the town counsel.

The other officers acting in this court are, the town clerk, serjeants at mace, town crier, and constables, when required.

HASTINGS.

The jurisdiction extends to inquire into and determine and punish all felonies, trespasses and misdemeanors done and committed within the town and port, and the liberties of the same, in like manner as the same may be inquired into in any county in England.

The jurisdiction is exclusive by the charter, but various exceptions have of late years been made by statutes.

It is customary to send all capital felonies and heavy offences to the county assizes for trial.

The town clerk is the officer of the court for preparing indictments, and receives the usual fees for that business.

The serjeants at mace attend with the bills of indictment and witnesses before the jury, and receive 2*s.* on each bill.

There is no table of fees or costs, but those taken are nearly similar to the fees taken by the clerk of the peace for the county of Sussex.

Hundred Court.

A Hundred Court is held annually on the third Monday after the mayor's election, before the mayor and jurats. At this court the freemen are summoned, and certain officers chosen by them, as before explained.

There was formerly a jury summoned at this court for presentments, &c., of nuisances and encroachments, and other business was transacted there as at a general court leet; but local Acts have rendered the exercise of this jurisdiction unnecessary.

Court of Record.

A Civil Court is held every fifteen days, before the mayor, or his deputy, and two or more jurats.

It has cognizance of all actions, real, personal and mixed, arising within the town and port and liberties, and did also, till the present year, take fines of lands. But execution is only to be obtained through an officer of the corporation of Dover, called the Boder. The distance of Hastings from Dover renders this a source of great vexation and expense.

The court fell into disuse from 1800 to 1822, when it was revived by mandamus from the Court of King's Bench.

The costs of an undefended action of debt, including execution, amount to about 6*l.* In a defended action and trial, including execution, the costs would be about 12*l.*

The number of suits commenced in 1830, was six; in 1831, four; and in 1832, nineteen.

Juries.

The Grand Jury of the quarter sessions is composed of twenty-four inhabitant householders of the town. They are selected by the town clerk, with the approbation of the mayor, and form a standing jury; and are re-summoned at each court by the serjeants at mace, under the process of the court.

The Petty Jury of the quarter sessions is composed of twenty-four inhabitant householders of Hastings and the liberties. The panel is made out by the town clerk, who draws the names previously written on cards, promiscuously from a number of two or three hundred, the names of such as have served being tied up together, and laid by till the whole have served, when they are all remixed, and the names of new residents are added.

A civil jury is drawn in the same manner.

Police.

The Police, as connected with the magistracy, consists of the serjeants at mace, and about twenty-four constables, who attend at every hundred court, and are then sworn in for the ensuing year. They receive no pay, except the common allowance for executing warrants and other process.

By the Local Improvement Act for the town, which comprehends the parishes of All Saints, St. Clement, and that part of the parish of St. Mary in the Castle situate within the liberties, the regulation of a police and night watch is vested in the commissioners acting under that statute.

As regards the town of St. Leonard's, situated within the parishes of St. Leonard and St. Mary Magdalen within the liberties, by a local Act, comprehending the limits of that town only, the power of appointing a police and night watch is vested in the commissioners under the said Act.

Gaol.

There is one Gaol or Prison for Hastings and its Liberties, under the care of a keeper appointed by the mayor and jurats at their quarter sessions of the peace. The gaoler's salary is paid out of the general rate levied in the town, and port and liberties, in the nature of a county rate.

The prison is under the control of the mayor and jurats, and is visited by them.

A surgeon is appointed to attend the prisoners.

A person is also appointed to read a sermon to the prisoners every Sunday; and they are occasionally visited by the rector and his curate.

The gaol of the town presents a striking instance of the inconvenience of retaining such an establishment in a jurisdiction of small extent. The building, which has been recently added to, is probably as large as the inhabitants of so small a town could afford to erect; but there is no court yard in which the prisoners can take exercise; the only space for that purpose is the upper room of the building. There are no means of employment for the prisoners, and should they be numerous, classification would be impossible.

The expenses of the gaol, and of the prosecution and support of prisoners, is defrayed by a rate in the nature of a county rate, collected with the poor rate by the overseers, and by them placed in the hands of a treasurer, who accounts for the receipt and expenditure of the same. This treasurer is appointed by the town magistrates at quarter sessions, and has a salary of 3*l.* 3*s.* a year.

The

The following is an Abstract of the Accounts of Receipts and Expenditure of the treasurer of the town and port of Hastings for the year ending Easter Sessions, 1833.

Hastings, County Rate.

RECEIPTS.

	£.	s.	d.
Cash in the hands of the treasurer at Easter Quarter Sessions, 1832	74	6	3
The remainder of a county rate of 400 *l.* assessed at Epiphany Sessions, 1832	201	5	–
Amount of sundry fines for assaults	8	1	–
Ditto for using short weights	–	15	–
By the sale of Registers of Voters under the Reform Act	4	8	–
On account of the amount of a county rate of 400 *l.* assessed at the Epiphany Sessions, 1833	198	2	–
One year's annuity, due January 1833, of the executors of Thomas Bosson, deceased, for John Bosson, a lunatic	20	–	–
£.	506	17	3½

EXPENDITURE.

	£.	s.	d.
For prosecutions of prisoners and expenses of witnesses at the quarter sessions	24	14	8
The like for capital and other felonies at the county assizes	5	13	–
Subsistence of prisoners in Hastings Gaol	38	2	2
To the treasurer of the Eastern division of Sussex for the maintenance of prisoners in the county prisons under contract	92	6	6
To the serjeants at mace, expenses of juries, conveyance of prisoners, convicts, &c.	52	9	6
Gaoler's salary	29	18	–
Medical attendance at the gaol	3	–	6
Coals at the gaol	10	10	10
Examining weights and measures, including inspector's salary of 10 *l.*	25	–	–
Collector of the county rates, salary	5	5	–
To pauper lunatics	30	–	–
To town clerk, inquisitions, printing and law expenses	42	2	4
To repairs to the Priory Bridge and road adjoining	5	15	11
Gaol and extra turnkey during the alterations	13	18	1½
Treasurer's salary to Easter, 1833	3	3	–
Sundries	1	8	6
Cash in the hands of the treasurer	123	9	3
£.	506	17	3½

Hastings, Gaol Rate.

RECEIPTS.

	£.	s.	d.
Cash in the hands of the treasurer at the Easter Sessions, 1832	83	5	–
Cash borrowed at interest on the credit of the town rates, under order of the quarter sessions, for the enlargement of the Town Gaol	260	–	–
To amount of a rate of 90 *l.*, assessed at Midsummer Sessions, 1832	90	–	–
£.	433	5	–

EXPENDITURE.

	£.	s.	d.
Amount of expenses incurred in raising the Town Gaol two stories and furnishing cells, &c.	330	17	3
Paid interest on an existing mortgage of 100 *l.* and a proportion on the sum lately advanced up to the 14th September 1832	7	16	5
Cash in the hands of the treasurer	94	11	4
£.	433	5	–

Dover, Gaol Rate.

RECEIPTS.

	£.	s.	d.
Cash in the hands of the treasurer at the Easter Sessions, 1832	–	–	6
Amount of rate assessed at Midsummer Quarter Sessions, 1832	6	19	7
£.	7	–	1

EXPENDITURE.

	£.	s.	d.
To Thomas Pain, Esq. the registrar of Dover Castle, proportionate part of 100 *l.* assessed on this town and port and liberties for the subsistence of poor debtors confined in Dover Castle, pursuant to 54 Geo. III. c. 97	6	19	7
Cash in the hands of the treasurer	–	–	6
£.	7	–	1

HASTINGS. Revenues.

That part of the property of the corporation which is applicable to municipal purposes, consists principally of certain lands called the Stonebeach, in Hastings; the rents arising therefrom; and certain other small rents issuing out of other ground in the town (formerly belonging to the corporation, but long since sold), which are in the nature of quit-rents, varying from 4*d.* to 5*s.* per annum, and are mostly reserved in perpetuity by deeds of feoffment, with power of distress and entry on non-payment. Some of these rents are of 200 years standing.

The corporation also receive certain accustomed fines from victuallers for exercising their trade in the town, payable yearly at the licensing day, at the rate of 15*s.* for those in the town, and 7*s.* 6*d.* for those in the out liberties. These fines now amount to about 18*l.* per annum.

A considerable income was also derived from the meat market in High-street, but that market is about to be discontinued.

The corporation also collect certain duties on the imports and exports of merchandize at and from the Stade; a certain sum per annum from each fishing boat and vessel grounding and winding up on the Stade; fines of freemen on admission, and of jurats on accepting office; also all fines to the King, and estreated recognizances imposed at and returned to the Quarter Sessions.

These latter recognizances are not retained by the chamberlains, but paid over to the solicitors of the five ports for the general use of the ports, and for defraying the expenses attendant on coronations, and on the courts of Brotherhood and Guestling, by agreement among the ports.

The general expenditure consists of money paid for the salaries of the officers of the corporation; the town counsel's fee; attendance of constables on various public occasions; keeping up the Town Hall; clock; church pews; one-half of the expense of maintaining two lights for the fishery; the expense of capstans and buoys, and repairs to the Stade; of managing the different charity estates; for the annual discharge of 25*l.* fee-farm rent, reserved by the charter of Elizabeth to the Crown, and now paid to an individual who purchased it; and for other public purposes.

The town is considerably disfigured by the erection of several mean tenements on the margin of the beach between the sea and a row of handsome houses, which have been subsequently erected close under the cliff, which terminates at the beach. The beach is the property of the corporation, and they have been much blamed for permitting these erections. But the whole town was, till within a recent period, confined to a glen between two hills; the beach in front was unoccupied, and various petty encroachments were made by fishermen and others before it was anticipated that this beach would become the site of a new street. With a view to obtain an undisputed recognition of the title of the corporation, leases were granted to the occupiers of these encroachments, before the town had extended between them and the cliff. With respect to those leases, which comprehend a great portion of the tenements in question, it may fairly be urged that the inconvenience now occasioned by them was not foreseen. But some transfers of the soil of this beach have been made by the corporation within a few years, for which no such excuse can be found. In one instance in particular, subsequently to the erection of a row of handsome dwelling houses under the cliff, a portion of the beach sufficient for the site of a coach-house and stable was conveyed to an opulent individual, who erected upon it a coach-house and stable immediately in front of the dwelling houses in question, and between them and the sea.

Within the last year also, some small portions of the beach have been sold by the corporation, but in this instance the previous enjoyment of the purchasers, and those under whom they claimed, had been of such duration, that if the corporation had attempted to recover the property, they must have spent in law more than the fee-simple was worth.

Between 1821 and 1831, both inclusive, about 1,850*l.* appears to have been received by the corporation in respect of sales of various portions of this beach. The money was placed in the hands of the treasurer of the gaol rate, by whom a portion of it was expended towards the erection of a new Town Hall and market; 516*l.* was paid over to the corporation chamberlain, and by him invested in bonds issued by the commissioners for paving and lighting the town; and about 300*l.* remained in the treasurer's hands at the audit in July 1833.

Abstract of the Chamberlains' and Pierwardens' Accounts for the Year ending 1833.

Chamberlains' Receipts.

	£.	s.	d.
The amount of the chamberlain's book due Michaelmas 1832	57	15	5½
Rents of premises at the Bourne's mouth - - - -	50	—	—
Ditto - ditto - over the pier shop - - - - -	7	—	—
Ditto - ditto - lower light-house - - - - -	22	10	—
Fines on granting ale licenses - - - - - -	18	13	—
Dues of the meat market - - - - - - -	32	13	—
Sales of stone beach - - - - - - - -	134	13	6
Arrears of chamberlain's book due Michaelmas 1831 - -	2	6	2
Of the treasurer to advance on the security of the Town Act at interest - - - - - - - -	516	17	6
One year's interest on the principal sum of 500*l.* (part of the above) - - - - - - - - -	25	—	—
£.	867	8	7½

Expenditure.

EXPENDITURE.

	£.	s.	d.
The uncollected part of the chamberlain's book, due Michaelmas 1832	12	19	8½
Subscription towards the reform dinner	25	–	–
Gratuity to chamberlains, by order of Assembly, for extra services	10	–	–
Salary to inspector of meat in market	6	12	6
Ditto to town clerk	12	9	2
Ditto to chamberlains	10	–	–
Ditto to serjeants at mace	6	9	4
Ditto to town crier	7	7	–
Ditto to water-bailiff	–	6	8
Ditto to street-driver	1	1	–
Ditto to collector of rents, set apart for the fee-farm rents	2	–	–
The ringers on various occasions	5	4	–
Town counsel attending Quarter Sessions	42	–	–
Purchase of pavement bonds	500	–	–
Interest due thereon at the time of purchase	16	17	6
Insurance on different buildings	2	5	–
Constables' attendance at fairs and other public occasions	5	15	–
The first instalment on 500*l.* to be advanced on the Hastings water works	100	–	–
Liveries to serjeants at mace and crier	17	15	7
Solicitor's bills	20	12	11
Mapping and surveying corporation boundaries, and placing stones	5	14	6
Surveying charity estates	2	–	–
Carpenter's work	7	–	9
Stonemason and bricklayer's work	1	4	5
Stationery and printing	2	4	–
Painter and glazier	2	18	8
The town clock repairs and winding	5	19	–
Poor-rates, street-rates and quit-rents	8	13	7
Sundry expenses at the Town Hall and market-house	6	5	5
New blocks and weights at market-house	8	18	3
Sundry expenses at the church pews	3	6	10
Sundry small disbursements	4	3	2
Balance due to the corporation	4	4	8
£.	867	8	7½

PIERWARDENS' RECEIPTS.

Duty on coals imported in strange vessels	15	14	1
Ditto - bark exported	1	1	10
Ditto - hops exported	28	16	10
Ditto - wheat and other grain exported	4	18	9
Ditto - timber and plank exported	1	14	–
Dues on winding up and grounding vessels on the Stade	120	6	6
Fishing-boats on the mackarel voyage	12	9	6
Ditto - on the herring voyage	4	8	6
The fishermen, one-half of expense for lights at the two-light-houses	5	–	–
Sundry small receipts	3	9	7
£.	197	19	7

EXPENDITURE.

The Gas Company for the two lights	10	–	–
Sundry small disbursements in cleaning and repairing the Stade	18	8	4
For capstans and bars	48	8	–
Iron work to capstan stones	25	4	6
Repairs to capstans and buoys	9	17	11
Pierwardens' salaries	10	–	–
Balance due to the corporation	76	11	10
£.	197	19	7

Besides the property yielding a revenue for municipal purposes, the corporation possess certain charity estates for which they are trustees, viz. Saunders' charity and Parker's charity.

SAUNDERS' CHARITY.

This estate consists of certain lands in *Wittersham*, in the Isle of Oxney, in the county of Kent, devised by the will of one James Saunders, deceased, dated 7th of January 1708, to the corporation, in trust, to apply the rents and profits thereof towards placing out annually

HASTINGS.

two poor boys of this town and port apprentices, and in the support of two schooldames to teach thirty poor girls, and one schoolmaster to teach seventy poor boys of the town.

The rents of these estates now amount to about 117 *l.* per annum, which, after deducting repairs and other outgoings incident to the estates, is now applied for the above charitable purposes in pursuance of certain orders and directions of the Court of Chancery.

PARKER'S CHARITY.

This estate consists of certain lands in *Ore*, in the county of Sussex, adjoining the said town and port, devised by the will of one William Parker, deceased, dated 16th of November 1619, to the corporation "for the maintenance of a religious and godly schoolmaster in the said town and port."

The rents of this estate now amount to about 211 *l.* per annum, which, after deducting for repairs, &c. incident to the estate, is paid to the master for the purposes aforesaid.

The number of scholars now on this foundation is about 112; it is open to all the sons of the inhabitants of the said town and port, between certain ages, and is also conducted under certain orders and regulations of the court of chancery.

LASHER'S CHARITY.

There is also LASHER'S charity, which consists of an annuity or yearly rent charge of 3 *l.* 10 *s.* issuing out of certain land in the parish of All Saints, in this town and port, devised by the will of one Thomas Lasher, in the year 1701, "for the use and benefit of the seven poorest inhabitants of men in the said town and port, payable every Christmas."

This is now paid accordingly, and the annuitants are generally poor decayed fishermen. And—

THE MAGDALEN LANDS.

This estate consists of about fifty-five acres of land in the parish of St. Mary Magdalen, in the liberties of this town and port, now producing the rent of 105 *l.* per annum, which is paid to the churchwardens and overseers of the poor of the parishes of St. Clement and All Saints in Hastings, in the proportion of three-fifths to St. Clement and two-fifths to All Saints, and by them distributed at Easter and Christmas in sums about 2 *s.* and 2 *s.* 6 *d.* to such poor persons as they may deem deserving of it in their respective parishes.

Patronage.

The jurats appoint the master to Parker's school. The situation is worth about 210 *l.* a year, but the master has to find a building for the purpose. He has now 12 scholars.

The entire body appoint the master to Salter's school; a situation which is worth from 40 *l.* to 50 *l.* a year. The master has no house, but the corporation have lately built him a school-room; he has now 70 scholars.

The entire body also appoint two schoolmistresses, who have 10 *l.* a year each.

Local Acts.

The following are the Local Acts relating to the town:

2 Will. IV. sess. 1831–2, intituled "An Act for paving, lighting, watching, cleansing and improving the town and port of Hastings, in the county of Sussex, and for establishing and regulating Markets therein, and supplying the Inhabitants thereof with Water, and for other purposes." This Act, unopposed, cost 1,383 *l.* 14 *s.* 2 *d.*, of which 949 *l.* were paid for House fees.

Same sessions: "An Act for better paving, lighting, watching and otherwise improving the town of St. Leonard, in the county of Sussex." This Act cost between 800 *l.* and 900 *l.*

General State.

Although the poor rates appear to be on the increase in some of the parishes, the town in general is prosperous, as may be inferred from the following

STATEMENT of the TRADE and SHIPPING of the PORT during the undermentioned Periods.

HASTINGS.—Port of *Rye*.

YEARS.	FOREIGN TRADE.				COASTWISE, INCLUDING IRELAND.				Number and Tonnage of Vessels belonging to Hastings.	
	Inwards.		Outwards.		Inwards.		Outwards.			
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
1810	-- All Ships at Hastings entering from and clearing for Foreign Ports, are recorded at the Port of Rye only - - - - -				188	12,097	56	2,278	27	952
1811					169	10,763	105	5,734	25	1,043
1812					215	13,986	104	5,638	21	1,046
1820					229	15,013	118	5,641	20	1,324
1821					243	14,326	163	8,639	18	1,259
1822					218	13,207	133	6,804	20	1,189
1830					309	21,055	97	5,504	22	1,395
1831					385	26,155	111	5,858	22	1,379
1832					380	26,891	130	7,327	25	1,645
			TOTAL - - -		2,336	153,493	1,017	53,423	200	11,232

London, March 25. *P. Bingham.*

REPORT

ON

THE CORPORATION OF HYTHE,

(KENT.)

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CORPORATION OF HYTHE.

THE jurisdiction of the Corporation of Hythe extends over the whole of the parish of St. Leonard's, part of West Hythe, and part of Aldington. The boundaries are correctly described in the Map of the Boundary Commissioners, and comprise a population of about 2,440. Limits.

Hythe is one of the Cinque Ports, and, as such, receives its constitution from the charters which apply to those parts in general. The whole of these are recited and confirmed in the Governing Charter, 20 Car. II., of which a detailed account is given in the Report on the Corporation of Dover, and in Jeake's Charters. The only Charter in the possession of the Corporation of Hythe is one of the 17th Elizabeth, by which, after reciting that the barons and inhabitants of the Town and Port of Hythe, from time to the contrary whereof is not in the memory of man, were a body corporate, by the name of the Jurats and Commonalty of the Town and Port of Hythe, in the county of Kent, the Queen granted to them, that from thenceforth they should be a body corporate, by the name of the Mayor, Jurats and Commoners of the Town and Port of Hythe, in the county of Kent; that the Mayor should be chosen by the commoners out of the jurats, and that the jurats should not exceed the number of twelve besides the mayor. She also granted all the franchises, liberties, courts, customs, lands, tenements and other hereditaments, profits, commodities, jurisdictions, and all other matters and things which they had before enjoyed; that they should have a common seal; a fair of three days for sea-fish and other merchandize, with all the profits attached to it, and a power to hold land, &c. Charters.

The Title of the corporation is "The Mayor, Jurats and Commonalty of the Town and Port of Hythe, in the county of Kent;" and Title.

The Body Corporate consists of a mayor, twelve jurats, and twenty-four commoners or common councilmen. Body Corporate.

The Jurats, upon a vacancy, are elected by a majority of the commoners from among their own body. In practice, the persons so elected retain their office for life, but the following entry is annually made in the corporation books, on the day of the election of mayor. Jurats.

> "The mayor and jurats having withdrawn, the commoners have continued in the office of jurats for the year ensuing,
>
> [Here follow the names of the jurats.]"

The entry, when made, is read out to the commoners.

Of the jurats, six at present reside within the town and port, three more within three miles, and the rest beyond that distance.

The Commoners are, upon a vacancy, elected by a majority of the mayor and jurats from among the freemen. They are considered to hold their office for life. Of the 24, 11 at present reside within the town and port, two within three miles, and the rest beyond. Commoners.

Freemen are constituted by birth, marriage, and gift:— Freemen.

1. Every son of a freeman, wherever born, is entitled to take up his freedom.
2. Every first husband of a freeman's daughter is also entitled to take up his freedom.
3. The corporation also have exercised the power of conferring the freedom by gift.

But no great number has ever been made at one time. At present there are 36 resident freemen, 394 non-resident.

The Officers of the corporation are,— Officers.

A Mayor, with power to appoint a Deputy.
12 Jurats.
A Town Clerk.
2 Chamberlains.
A Town Serjeant.
A Mayor's Serjeant.
A Billet Master.
2 Key Keepers.
A Game Keeper.
A Pound Keeper, and 2 Assistants.
A Hog Driver.
A Gaoler.
A Town Crier.

The Mayor is elected on the 2d of February, by the whole body of freemen, including the members of the corporation, from among the jurats. Upon his election he always appoints a deputy. Mayor.

He is Chief Magistrate in the town and port, with jurisdiction exclusive of the county justices; Coroner, by virtue of his office; and presides in the Court of Sessions.

HYTHE.

He has a salary of 10 *l.*

Jurats

The Jurats, who are elected in the manner before described, are magistrates within the town and port, with a similar jurisdiction, and assist at the sessions.

They have no salary or emoluments.

Recorder.

The Recorder is elected by a majority of the whole corporation for life.

He is the legal adviser of the corporation, and assists the mayor and jurats at the sessions, for which he is paid 10 guineas if he comes from Canterbury, 20 if from London.

Town Clerk.

The Town Clerk is also appointed by the whole corporation. He usually holds his office for life; but the same annual entry is made in the corporation books with respect to him as with respect to jurats.

He discharges the duties of clerk of the peace at the sessions, and of magistrates' clerk; he transacts the law business of the corporation, receiving a yearly salary of 5 *l.* 10 *s.*, besides his ordinary professional charges.

Chamberlains.

The two Chamberlains are elected annually by the whole corporation, one from among the jurats, the other from among the commoners.

They collect the revenues, make the disbursements, and keep the accounts of the corporation, for which they have a salary of 1 *l.* 1 *s.* each.

Town Serjeant.

The Town Serjeant is also appointed by the whole corporation, and continued from year to year like the jurats.

He attends the corporation with the mace, summons juries, and serves process.

He has a salary of 5 *l.*, with a cloak and hat.

Mayor's Serjeant.

The Mayor's Serjeant is elected, and continued by the same body in the same way.

He carries a mace at corporation meetings, and has a salary of 3 *l.* and a cloak and hat.

Billet Master.

Since 1822, a Billet Master has been elected and continued by the same body in the same way. His duty is to billet soldiers, for which he receives a salary of 2 *l.* 2 *s.*

Keykeepers.

The two Keykeepers are elected and continued by the same body in the same way.

Their duty is to keep the keys of the corporation chest, for which they have no salary or emoluments.

Gamekeeper.

A Gamekeeper is elected and continued by the same body in the same way. He has no salary.

Other inferior Officers.

The Coal-meter with his assistants; the Pound-keeper, the Surveyor of Waterpipes, and the Hog-driver, are all appointed in the same way as the preceding.

The coal-meter has 3 *d.* from the shipowner for measuring 54 bushels of coals; the pound-keeper has his fees on pounding.

The others are without fees or emolument.

Gaoler.

The Gaoler is appointed during pleasure by the mayor and jurats. He has a salary of 5 *l.* with a house and firing.

Crier.

The Town Crier is appointed during pleasure by the whole corporation. He has no emolument but his fees for crying.

Ruling Body.

There is no ruling body other than the entire corporation.

Fees and Fines.

No Fees are paid upon appointment to office. The fee on taking up the freedom is 6 *s.* 3 *d.* besides the stamp. No Fines have been imposed for many years.

Courts. Sessions.

There is a Court of Sessions and Gaol Delivery, with jurisdiction over every kind of offence; the court is holden once a year, or oftener if necessary, before the mayor and jurats, assisted by the recorder. The town clerk acts as clerk of the peace.

The fees are the same as in the county.

Serious offences are sent to the assizes, and the number of felonies tried does not exceed three or four in a year.

Court of Record.

There was formerly a Court of Record holden before the mayor; but it has fallen into disuse ever since the year 1777.

The corporation, although requested, have declined to revive this court, and allege as a reason, that while the procedure must be conducted according to the rules of common law, the inconvenience to suitors would preponderate over the advantage.

Juries.

The Juries at the sessions are empanelled by the mayor from among the householders, and summoned by the town clerk.

The inhabitants are exempt from serving on juries in the county, as well as from county rates.

Police.

There is no other Police than six constables nominated by the grand jury at an adjourned sessions, and two extra constables who are paid for the occasions on which they act.

Gaol.

The Gaol, which is small, is superintended by the mayor and jurats. The expenses of keeping the prisoners are defrayed out of a gaol rate.

Revenues.

The property of the corporation consists of 4 or 500 acres of shingle, with about 40 acres of pasture; the public buildings; 864 *l.* 12 *s.* 2 *d.* 3 per cent. Consols; 200 *l.* invested in Hythe Paving Bonds; and some small rents and tolls; the whole producing about 370 *l.* a year.

This is applied in discharge of the salaries of the corporation officers, the repairs of public buildings, expenses of sessions, sewage and repairs of the town dyke, and the town clerk's bill.

The

The following is a Statement of the last year's receipt and expenditure.

RECEIPTS:

	£.	s.	d.
Received of Mr. Edward Watts, advanced by him pursuant to an order of assembly	63	15	10
— of the treasurer of the Hythe pavement, one year's interest upon a promissory note for 100*l.*	5	–	–
— of - ditto - one year's - ditto upon two securities of the said pavement	5	–	–
— for one year's dividends on 864*l.* 12*s.* 2*d.* three per cent. Consols, standing in the name of the Accountant General of the Court of Exchequer	25	13	8
— of the commissioners of pavement towards the expense of carrying the dirt and soil from the streets to the outlands, for one year	5	–	–
— of Mr. Drayner, for loppings of trees in the Marine Walk	–	8	–
— of J. Elkins, for two trees felled in ditto	1	–	–
— of Messrs. Finnis & Ronalds, allowance for trimmings taken from Mayor's pew	1	10	–
— for sundry arrears due last year	1	4	10
— amount of rents and coals, as by rental	279	8	9½
£.	388	1	1½
Deduct cravings for arrears unpaid	19	8	8½
£.	368	12	5

EXPENDITURE:

Paid balance of account due to the late Chamberlains			46	18 5½
The mayor's salary			10	– –
Ditto - postages			1	– –
Town clerk's salary			5	10 –
Chamberlain's ditto			2	2 –
Billet master's ditto			2	– –
Town serjeant's ditto			5	– –
Ditto - warning juries, blowing horn, extra attendances, &c.			3	3 –
Mayor's serjeant's salary			3	– –
Thomas Hyham, looking after pent-house			2	2 –
Ringers at Candlemas			2	2 –
Strewers at - ditto			2	2 –
One year's insurance of the Guildhall			1	13 –
John Warrington for thatching pall-house			–	9 –
Town serjeant's journey to the several ports with the Speaker's annual letter respecting the arrearing a brotherhood and guestling			3	3 –
Ordnance, one year's rent of the Mountland			–	1 –
Recorder's attendance at Sessions			10	10 –
Thomas Bass, cleaning town dyke			7	4 –
Thomas Stickles, cleaning water-course leading from the Marine Walk into the Innings			–	9 3
For new hats for the serjeants			5	14 –
Sundry small bills			33	3 6
For double jury dinner			6	9 3
Ringers, as usual			1	15 –
Rent of town's water			–	6 –
Ditto of Eastwell water			1	– –
George Pilcher, innkeeper, for—				
Candlemas dinner	14	9 –		
Sessions - ditto	25	19 1		
Rent supper	4	10 9		
			44	18 10
Fee-farm rent			2	15 10
John World, one year's superannuation allowance			10	– –
Thomas Mercer, one year's ditto			1	10 –
Geo. Shipdem, esq. one year's interest of 200*l.*			10	– –
Mr. Edward Watts, one year's ditto of 63*l.* 15*s.* 10*d.* advanced on an order of assembly			3	3 9
For repairs of the corporation fire engine			5	13 9
Town clerk's annual bill			40	1 10
Rock's carriage and labour in building a dry wall from the bridge opposite Mrs. Finnis's to Mr. Shipdem's house			15	16 –
For labour in the Marine Walk			1	4 6
For carting and labour in the Green			14	11 8
Stationery, stamps, &c.			–	3 6
£.			306	16 1½
Balance in the hands of the Chamberlains			61	16 3½
£.			368	12 5

HYTHE.

Patronage. The corporation nominate the objects of Waller's charity, (a pecuniary bequest), and of another charity of a like nature, called the Poor's Cloth. Both are of inconsiderable amount.

Local Acts. The only local Act relating to the town is one of 38 Geo. III. c. 16, intituled, "An Act for paving, repairing, cleansing, lighting and watching the Highways, Streets and Lanes in the Town and Port of Hythe, and Liberty thereof, in the County of Kent; and for removing and preventing Nuisances and Annoyances therein."

It is a subject of complaint, that the Commissioners under this Act are self-elected.

General State. The town may be considered as in an improving state, and the poor's rate has been considerably reduced since 1818.

London, March 29, 1834. *P. Bingham.*

REPORT

ON

THE CORPORATION OF LYDD,

(KENT.)

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CORPORATION OF LYDD.

THE jurisdiction of the Corporation of Lydd extends over the parish of Lydd, containing about 6,000 acres of cultivated land, and a population of about 1,300. Limits.

Lydd is a member of the town and port of New Romney, one of the Cinque Ports, and as such is governed by the Charters, and enjoys the privileges which apply to those ports in general. (*See* the Report on the Corporation of Dover and Jeake's Charters.) The corporation of Lydd, however, have in their possession a charter of the 5th Edward I. confirming the former privileges of the Cinque Ports and their members, which they enjoyed in the time of Edward the Confessor and William the Conqueror; and a similar charter of 1st Edward III. Charters.

They have also letters patent of 1 Henry II., 1 Henry IV., and 1 Henry V., granting to the archbishops men of Lydd and Dengemarsh the same privileges that Hastings or any of the Cinque Ports enjoy, and confirming all former privileges.

The Title of the corporation is, The Bailiff, Jurats and Commonalty of the town of Lydd, in the county of Kent; and, Title.

The Body Corporate consists of a bailiff; 12 jurats, or fewer, if there be not so many thought by the freemen fitting to be chosen; whereof some or one shall be of Dengemarsh, if there shall be any there resident that shall be by them thought fitting to be chosen; and an indefinite number of commoners or freemen. Body Corporate.

The jurats, who must be freemen, are, according to the ancient customal of the place, directed to be chosen yearly by the freemen. In fact, they continue in office for life. At present there are ten, of whom six are resident.

The commoners or freemen are elected for life by the bailiff, jurats and commoners, whenever they think fit: at present there are only six commoners.

The Officers of the corporation are— Officers.

A bailiff, with power to appoint a deputy,
Jurats (not exceeding twelve),
A chamberlain,
A town clerk, and
A serjeant.

The Bailiff is elected annually, on the 22d of July, by the commoners, from among the jurats. Bailiff.

He is chief magistrate within the town, and coroner. His jurisdiction is exclusive of the county magistrates.

He has no salary or emoluments.

The Jurats are also town justices, with exclusive jurisdiction. They have no salary or emoluments. Jurats.

The Chamberlain is, in point of form, elected annually by the whole body of the corporation. In fact, he continues in office for life. He collects the revenues, makes the disbursements, and keeps the accounts of the corporation; but has no salary or emoluments. Chamberlain.

The Town Clerk is appointed in the same way by the same body He transacts the law business of the corporation; attends as clerk of the peace at the town sessions, and as clerk to the magistrates; for which he has his professional charges, but no salary. Town Clerk.

The Serjeant is elected in the same way and by the same body as the town clerk. Serjeant.

He carries the mace on public occasions, summons juries, serves process, acts as constable, and keeps the lock-up house.

He has a salary of 12*l.* 12*s.* a year.

There is no Ruling Body other than the entire corporation. Ruling Body.

No Fines or Fees are paid on admission to office. The fee on admission to the freedom is 10*s.* 6*d.* besides the stamp. Fees and Fines.

Courts. The corporation have authority to hold a Court of Sessions and Gaol delivery, with jurisdiction over every kind of offence, before two or more of the bailiffs and jurats, of whom the bailiff or his deputy must be one.

The court, however, is now only holden *pro formâ* once a year, at Michaelmas, the grand jury alone being summoned.

Under 5th Geo. 4, c. 85, all criminals are committed to the county gaol, and tried in the county.

Court of Record. A Court of Record, of extensive jurisdiction, has also long since fallen into disuse.

Juries. No Petty Juries are ever summoned; the Grand Jury, only as matter of form, once a year. The inhabitants are exempt from serving on juries in the county, and from county rates.

Police. Three Constables are appointed by the magistrates at the annual sessions.

Gaol. The Gaol is only used as a lock-up house previous to committal.

Revenues. The corporation are entitled for municipal purposes to a third of the rent of a farm, called Hart's Farm.

	£.	s.	d.
This produced last year - - - - - -	20	–	–
A ground rent yields - - - - - -	2	18	6
Beach money - - - - - - - -	6	6	–
In aid of this revenue a gaol rate was levied -	79	12	7
£.	108	17	1

The whole of the gaol rate is expended on the same objects as a county rate; the support of prisoners in the county gaol, expenses of trial, &c. The small municipal revenue goes to discharge the serjeant's salary, and other petty expenses.

The property in the soil of a piece of common, called the East Ripe, is also in the corporation. It consists of about 80 acres of waste and sandy land, and was let, in 1820, for 21 years, upon a fine, with an annual rent of 5*s*.

Patronage. The bailiff and jurats distribute one-third of the rent of Hart's Farm among the poor, pursuant to the will of the donor; and the chamberlain distributes in bread the interest of 100*l*. left by Mary Murray for that purpose.

Local Acts. There is no Local Act relating to the place, which is no more than a very secluded village, situated on the barren promontory called Dengeness. It was formerly a sea-port; but standing now more than a mile inland, in consequence of the accumulation of shingle, is not likely to regain its ancient size or importance.

London, March 29, 1834. *P. Bingham.*

REPORT

ON

THE CORPORATION OF PEVENSEY,

(SUSSEX.)

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CORPORATION OF PEVENSEY.

Limits of the Liberty.

1. THE liberty of Pevensey takes in the whole parish of that name, the whole parish of Westham, and a part of the parish of Hailsham. There are about 500 acres of the last-named parish in the liberty, but the population upon them is very small, not amounting, as it was thought, to above 40 or 50 persons. The population of Pevensey parish, according to the census of 1831, was 343; that of Westham 752. It has increased very little, if at all, since 1831; the population, therefore, within the liberty, probably does not amount to more than 1,150 or 1,200 persons. The number of acres is about 8,370, so that the part of the population, not within the very small town of Pevensey, is scattered over a very large area.

Charters.

2. The corporation has no private Charter.

Title.

3. The Title of the corporation is, "The Bailiff, Jurats and Commonalty of the town and liberty of Pevensey."

Officers.

4. The Officers appointed by the corporation are,—

Bailiff	1	Town Serjeant	1
Jurats	—*	Gaoler	1
Town Clerk	1	Pound-driver	1
Treasurer	1	Constables	5
Chamberlain	1		

Freemen.

There are at present about 30 Freemen.

Bailiff, election of.

5. The Bailiff is elected annually out of the jurats by the freemen. The election day is properly the Monday next after the 29th September. The present bailiff stated that the election did not always take place on that day, but that the town clerk appointed one to suit the convenience of the bailiff and jurats. The jurats do not vote. The present bailiff has served the office six or seven times. Of the present jurats, only three have held the office, and one of them served it by deputy.

Jurats, election of.

6. The Jurats are elected by the freemen, out of their own body; the office is for life. The meeting for election is held in the church; the freemen retire from the bailiff and jurats to the chancel, and, after having agreed upon the new jurat, they return his name to the bailiff and jurats. This election, as well as that of mayor, seems to have been of late years merely a matter of form. It was stated that, 15 or 20 years ago, the jurats had rejected persons elected by the freemen. There are at present six jurats, three of whom reside within the liberty.

Other officers, election of.

7. All the other Officers, except the constables, are elected annually in the church, in the same manner as the jurats. The town clerk's office is an annual one, but he is re-elected as a matter of form.

I was unable to obtain any definite information upon the constitution of the corporation, or upon the power which the freemen and jurats possessed independently of each other. The town clerk had a professional engagement on the day of the inquiry, which required his presence at a town several miles distant from Pevensey; and the bailiff, who is his father, knew very little about the constitution or usages of the corporation.

Constables, appointment of.

8. The Constables receive their appointment from the justices, but the persons are selected and nominated by the freemen. They are always householders. Two are appointed for Pevensey, two for Westham and one for Hailsham. There are not above three or four persons in Pevensey who are considered fit for the office, so that the same persons generally serve for many successive years. The same is the case, to a certain extent, in the parish of Westham.

Freemen, admission of.

9. The eldest son of a Freeman, born after his father's admission, is entitled to the freedom. The freedom is occasionally also given by the corporation. This is done by proposal amongst the freemen in the chancel of the church, in the manner mentioned in the election of jurats, in section 6. The bailiff and jurats join in the admission, but the present bailiff did not know what control they had over the selection made by the freemen. He was not aware that they had ever rejected any one proposed by the freemen. It was thought that there had been no freemen admitted within the last three years.

The fee paid to the town clerk for making out an admission, is 3*l.* 3*s.* This expense, with that of the stamp-duty, has prevented some persons, to whom the freedom was given, from taking it up.

10. The

* The prescriptive number was not known by the present bailiff, or by any one who attended the inquiry.

PEVENSEY.

Bailiff, functions of.

10. The Bailiff is a Justice of the Peace. If any business arise requiring a justice, the bailiff is first applied to. If it be of any importance, he usually sends for the town clerk to assist him; in some cases he has committed persons to prison without the advice of that officer.

Coroner.

The Bailiff is also Coroner. There are about three inquests in a year on an average. The town clerk always attends on the inquests, and conducts the business. The jury is summoned by the town serjeant from the householders. He has no rule for selection, but summons such as he can find at hand: 13 or more are summoned. The town clerk has a fee of one guinea for each inquest, paid out of the liberty rate. When, as has been the case, the town clerk has been living at Hastings or Battle, his travelling expenses have been paid. The town serjeant has 6 *s.* 8 *d.* for summoning the jury, each of whom is allowed 1 *s.*

The bailiff has the power of giving any orders relating to the affairs of the corporation, and of allowing any bills. But the present bailiff stated that he always consulted the jurats before doing so.

The bailiff has an allowance of 2 *l.*, but no other emoluments.

Jurats, functions of.

11. The Jurats are all justices of the peace; there is very little duty consequent upon the office. The attendance of some of them is requisite at the meetings of the corporation and sessions; but these and other duties are generally performed by the same two or three jurats. The office has been conferred upon gentlemen of fortune living in the neighbourhood, one of whom seems to have interested himself in the affairs of the corporation; but the others of this class are little more than nominal members. Each jurat has an allowance of 6 *s.* 8 *d.* a year.

Town Clerk, functions of.

12. The Town Clerk is the general adviser of the corporation, and in fact manages all the affairs. He attends the sessions and meetings, and enters all the proceedings in the books. He has a salary of 6 *l.* 5 *s.* 7 *d.* He makes a professional bill for any extra business. His bill, in the year 1832–3, amounted to 14 *l.* 12 *s.* 6 *d.*, but this is above the average. He has a fee of one guinea for each inquest, at which he attends; there are not above three or four in the year on an average.

Treasurer, functions of.

13. The Treasurer receives the rents and town scot from the chamberlain, and makes all the disbursements upon the order of the bailiff. He has no authority for paying any bills, until they have been signed by the bailiff. He has no salary, but is not accountable for the interest of any balance in his hands: this is never large. He is required to give security to the corporation to the amount of 200 *l.* The appointment of a treasurer has only recently taken place, before which time the bailiff was always considered the treasurer.

Chamberlain, functions of.

14. The Chamberlain's duties consist in collecting the rents and the town scot, mentioned in Section 21; these he pays over to the treasurer. The town serjeant is chamberlain at present, but he does not keep the accounts, this being done by the town clerk, on account probably of the incompetence of the chamberlain.

Town Serjeant, functions of.

Gaoler.

15. The Town Serjeant is the general servant of the corporation; he attends all the meetings, and serves all the summonses. He is also constable. He has a salary, as serjeant, of 3 *l.*, and 6 *s.* 8 *d.* for each coroner's jury which he summons. He is also gaoler. This situation is little more than nominal, as persons are almost always committed to the House of Correction at Lewes. Persons have occasionally been confined in the gaol at Pevensey for two or three weeks at a time; but this has not happened within the last two years. The gaoler has a salary of 5 *l.* paid out of the liberty rate.

Pound-driver and Constables.

16. The Pound-driver and Constables have the usual duties of such officers, and are remunerated by the usual fees. The duties of both are very light.

Freemen, privileges of.

17. The Freemen have the same privileges as those of all the Cinque Ports; but they have none within their own liberty not enjoyed by all the inhabitants.

Jurisdiction of the Corporation.

18. The justices hold a court of sessions four times in the year. This court has jurisdiction in capital cases, but it is never exercised; in fact no cases of any kind are ever tried by it. The justices always commit for trial to the county prison, a jury is therefore not summoned. The town clerk and some of the justices attend; but the only business done is that relating to the liberty rate, or such as might be done by the justices at any other time.

Remarks on the present state of the Corporation.

19. The functions of the corporation, as may have been seen, are scarcely more than nominal. The town of Pevensey is in such a decayed state, that there are not more than three or four persons within the parish considered competent for the office of constable. There is only one house in the parish rated at 10 *l.* The trial of offences by the quarter sessions would be extremely inconvenient, from the small amount of population out of which to select the jury. There is no doubt that the liberty cannot furnish inhabitants competent to exercise the duties of magistrates; and although this defect has been in some measure remedied by the election of neighbouring gentlemen into the corporation, still serious inconvenience might arise from their absence from the neighbourhood. I had every reason to believe that the most active members of the corporation, and those most likely to take the chief office, might be always expected to be persons, who, however great their private respectability might be, would not be competent by education or profession to exercise the various and responsible duties of magistrates. This disadvantage exists in some measure at the present time. It seems then to be very desirable that the liberty should be brought within the jurisdiction of

the county; and, as the property and privileges of the corporation are trifling, and the number of its members small, there seems to be very little obstacle to this, except the difference between the liberty and the county rate, and the present exemption of the inhabitants from service upon county juries. Some, if not all, of the gentlemen referred to above are county magistrates, so that their services would not be lost by the abolition of the corporate magisterial jurisdiction.

Liberty Rate.

20. A Rate, in the nature of a county rate, is made by the justices at the sessions: there is not a necessity for one every year. A rate has been made for the present year, commencing at Michaelmas 1833, levied upon the different parishes in the following proportions: Pevensey, 27 *l.* 0 *s.* 10 *d.*; Westham, 15 *l.* 9 *s.*; Hailsham, 6 *l.* 1 *s.* 4 *d.*; this is called a two-penny rate. The money is paid by the overseers out of their respective poor rates to the treasurer of the liberty. The latter is an officer appointed by the justices: he is at present the same person as the treasurer of the corporation; but this has not always been the case. The charges upon the rate seem to be the customary ones, consisting of the expenses of constables, and of the conveyance and maintenance of prisoners, the expenses attending inquests, and the contribution to the maintenance of debtors in Dover Castle. The proportion paid by Pevensey for this object was, in 1832–3, 1 *l.* 11 *s.* 3 *d.* The treasurer has a salary of 1 *l.* The accounts are audited and passed by the justices; they are not published, but an abstract of them is sent to the overseers of each of the three parishes. The expenditure in 1832–3 was 47 *l.* 4 *s.* 6 *d.*, leaving a balance in the treasurer's hands of 46 *l.* 10 *s.* 6 *d.* The balance at the beginning of the year was 45 *l.* 2 *s.* 4 *d.*, which, it appears, would have been nearly sufficient for the expenditure of the year.

Town Scot.

21. A rate, called a Town Scot, is almost every year imposed by the magistrates upon the property within the liberty, occupied by persons residing within the liberty. Property occupied by non-residents is not rated. The scot is sometimes 1 *d.* in the pound, sometimes 2 *d.*, upon the poor-rate assessment. A two-penny scot produces about 23 *l*; it is collected from the occupiers by the town serjeant, and by him paid over to the treasurer of the corporation. It is carried to the general corporate income.

The bailiff could give no account of the origin of this rate. It has probably been a customary rate from remote times, when the functions of the corporation were more substantial than they now are, and when the general expenses of the liberty, now paid by the liberty rate, were borne by the corporation.

Poor Rates.

22. The Poor Rates in the parish of Pevensey amount to about 2 *s.* or 2 *s.* 6 *d.* in the pound in the year; in the parish of Westham, to about 12 *s.* in the pound; and in the parish of Hailsham, to about 18 *s.* in the pound. The assessment in the first two parishes is supposed to be upon two-thirds of the rack-rent; in the last, not quite so high.

Income.

23. The chief property of the corporation is some waste land situated within the liberty. This produces from 30 *l.* to 35 *l.* a year, paid for the depasturing of sheep and other stock. A part of the waste has at some time or other been inclosed, and is let from year to year at a rent of 8 *l.* The corporation have also a field, let at a rent of 3 *l.*, and two or three houses, let from year to year at rents amounting to about 10 *l.* They receive several quit-rents, varying from 5 *s.* to 30 *s.* in the year, and amounting, in the aggregate, to about 15 *l.* These quit-rents are paid in respect of plots of ground, which have been taken from the waste, and most of them are reserved on leases of 20 years. The bailiff stated that for some of them there were no leases, but he could give no account of the origin of them, or of the nature of the tenure.

If to the above receipts be added the town scot, mentioned in section 21, and the average of it be taken at 17 *l.*, the income of the corporation amounts to about 85 *l.* a year.

Expenditure.

The two principal items in the expenditure of the year, are usually the expenses of two dinners, provided for the bailiff, jurats and freemen. The charges for these, in the year 1832–3, were respectively 9 *l.* 19 *s.* 6 *d.* and 11 *l.* 4 *s.*, which seem to be about the general average. The salaries are, those of the bailiff and jurats, mentioned in sections 10 and 11, about 3 *l.*, (some of the jurats not receiving theirs;) the town clerk's, 6 *l.* 5 *s.* 7 *d.*; the town serjeant's, 3 *l.*; and one of 5 *l.* to the person who regulates the depasturing of the waste. The principal remaining item in the ordinary expenditure is the town clerk's bill, which in the year 1832–3, amounted to 14 *l.* 12 *s.* 6 *d.*, but this was considered to be above the average. There is a small annual payment to the corporation at Hastings, which seems to have originated in the time of Henry VIII. The entry of this, in the year 1832–3, is 3 *l.* 6 *s.* 8 *d.*, which the bailiff thought was for three years. He knew nothing of the consideration for this, but, from an indenture, dated in the 32d year of that reign, it seems probable that this was a composition paid to the corporation of Hastings by that of Pevensey, in lieu of their proportion towards the maintenance of the members for Hastings, while attending Parliament.

The balance at the end of the year is usually in favour of the treasurer, but this floating debt is never large.

Trust Property.

24. The corporation are the trustees of a charity, possessing land, which produces about 100 *l.* a year. The objects of the charity are, an almshouse and a school for girls. The latter is held every day in the church. The school-mistress has a salary of 20 *l.* paid out of the property. The bailiff and jurats manage this property; the accounts relating to it are kept by their treasurer, but distinct from the other accounts of the corporation.

PEVENSEY.
Schools.

25. Besides the School mentioned in the preceding section, there is a Day-school for boys within the town, maintained by subscriptions. From 50 to 60 boys attend, and are taught reading, writing and arithmetic.

State of the Town.

	1801.*	1811.*	1821.*	1831.†
26. Population of parish of Pevensey - -	752	254	292	343
Inhabited houses - - - - -	98	48	52	49
Population of parish of Westham - -	- -	584	583	752
Inhabited houses - - - - -	- -	99	96	134

There is only one house in the parish of Pevensey rated at 10 *l.* The small population consists almost entirely of labourers in agriculture, who are in a state of great poverty. It was stated, that 25 out of 30 were without work at the time of my visit (February 1834.)

Document sent.

27. I have sent with the Report an abstract of the accounts of the treasurer of the liberty rate, from Michaelmas 1832 to Michaelmas 1833.

D. Maude.

* Marshall's Statistics, p. 87, No. 789, 790.
† Census of 1831.

REPORT

ON

THE CORPORATION OF NEW ROMNEY,

(KENT.)

CORPORATION OF NEW ROMNEY.

IN answer to a letter addressed to the town clerk of New Romney, and announcing to him my intention of coming to that place on the 14th of February, for the purpose of entering into the investigation prescribed by the Corporation Commission, I received a resolution, of which the following is a copy:

"A Common Assembly of the Mayor, Jurats and Commonalty of the Town and Port of New Romney, in the County of Kent, holden on Saturday the 8th day of February 1834.

John Walker, Esq. Mayor.

"The town clerk having submitted to this Assembly an official communication which he had received from Peregrine Bingham, Esq. one of the Municipal Corporation Commissioners, proposing to be at Romney on Friday the 14th instant, and requesting certain information as regards this corporation:

"Resolved unanimously, That this Assembly is ready, before a competent tribunal, to afford every information, and enter into a full investigation of its affairs; but advised as it is, on high authority, that the present Municipal Corporation Commission is not legally constituted, this Assembly feels it its duty, with every respect and loyalty to His Majesty, to withhold from the Commissioners the required information, and to refuse the production of the charters and records of the corporation, and the examination of the officers thereof.

"Resolved further, That the above resolution be transmitted by the town clerk to the Municipal Corporation Office.

"*William Stringer*, Town Clerk."

Upon the receipt of this document, I relinquished my intention of proceeding to New Romney, the corporation alone, in that place, having the means of supplying the information required by the Municipal Commission.

London, February 28, 1834. *P. Bingham.*

REPORT

ON

THE CORPORATION OF ROMNEY MARSH,

(KENT.)

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CORPORATION OF ROMNEY MARSH.

THE corporation of Romney Marsh has jurisdiction over a surface of between 23 and 24,000 acres of marsh land, comprehending the whole, or parts of the several parishes hereunder enumerated :— Limits.

Aldington.	Sellinge.	Snargate.
Blackmanstone.	West Hythe.	Snave.
Burmarsh.	Bilsington.	Brookland.
Dymchurch.	Bonnington.	Ruckinge.
Eastbridge.	Saint Mary's.	Warehorne.
Herst.	Newchurch.	Orlestone.
Lymfine.	Appledore.	Hope, All Saints.
Newington.	Brenzett.	Ivychurch.
Orgarswick.	Kennardington.	New Romney.

The population of this district is about 7,500.

The corporation is in possession of a Charter of 1st Edward VI., and one of 2 Jac. I. Both these charters recite upon inspeximus, and confirm a charter of 1st Edward IV. (1461), which, by the same recitals, appears to have been confirmed by Hen. VII., Hen. VIII. and Elizabeth. The charter of Edward IV., the provisions of which are not materially varied by the other charters, grants to the inhabitants and resiants within the bounds of Romney Marsh, to be a corporate community of one bailiff, 24 jurats, and the commonalty of Romney Marsh; to have a common seal, and to plead and be impleaded by their corporate name; and the bailiff and jurats to be elected in like manner and form, and to exercise and occupy their offices, and be removed therefrom "as heretofore hath been used or accustomed to be done:" To have a court from three weeks to three weeks, for determining all manner of suits; to have the return of writs; to elect annually from among the jurats four justices, who are also to be coroners; with jurisdiction to hear and determine all offences, exclusive of other magistrates, and to erect a gallows; to have one or two resiants for serjeants or ministers of the bailiff; to have all fines, wreck, infangthef, outfangthef, and goods of felons; to be quit of all talliages, aids of the kingdom, charges, tenths, fifteenths and subsidies; and "from scot and geld hidage, carriage toll, with soke and sake thall and them, infangenethef, outfangenethef, gredwyte, blodwyte, flytwyte, fleswyte, hengwyte, lecherwyte, flemensfrithe, hordell and crofte within time and without dangeld, horngeld services in war, lestage, stallage, shires, wards, ward penny, hundred penny, tithing penny, and all murages, works of castles and bridges, ways, aids and all manner of enclosures, and all carriage summage and naviage, and the building of royal houses, and all manner of work; and also from all payments for their merchandizes, goods and chattels in all fairs and markets, and in every passage of ports and ways, and of the sea and on land;" to have the power of making ordinances for the good of the Marsh, and to be exempt from serving on juries out of its limits. Charters.

The Title of the corporation is "the Bailiff, Jurats and Commonalty of Romney Marsh, in the county of Kent," and Title.

The Body consists of a bailiff, 24 jurats, and all the male inhabitant householders of full age, residing within the limits of the Marsh. Body corporate.

At present, and for more than a century, the corporation exists only for the purposes of criminal judicature. The civil court, which the corporation is authorized to hold, has long since fallen into disuse; and

The conservancy of the drainage, and sea-walls of the level, have immemorially been vested in a body of 23 lords of manors, in and adjoining the Marsh, who annually appoint from persons, other than such lords, a bailiff, and continue in office an indefinite number of jurats, not exceeding 24, previously elected by the lords upon vacancies occurring. The persons composing this body are usually called "The Lords of the Marsh." They appoint whom they please for their bailiff and jurats, which latter are at present only four in number, and none of them jurats of the corporation of Romney Marsh.

The entire body of lords, with their bailiff and jurats, enforce, levy and apply the rates necessary for the drainage of the Marsh and the support of the sea-walls. In deliberation the lords have 23 votes, and their bailiff and jurats one, making 24 votes in all.

The lords of the Marsh, or a majority of them, appoint their Bailiff annually at Whitsuntide from among their own body of jurats; and the person so appointed becomes, by virtue of that appointment, bailiff of the corporation of Romney Marsh; and, if there be no previous meeting on special business, takes his seat as chairman at the annual meeting of the corporation of Romney Marsh held at Michaelmas. Bailiff.

ROMNEY MARSH.

From 1797 to 1828, the corporation of Romney Marsh appointed a bailiff of their own, who was not the bailiff of the lords of the Marsh; but this practice was abandoned, as not conformable to the ancient ordinances and custom.*

urats.

The jurats of the corporation of Romney Marsh are, upon a vacancy, elected from among the residents of the Marsh by a majority of the commonalty. Their office is in effect for life; but a formal entry is made every year of their being continued in office. They lose their office on ceasing to reside in the Marsh.

Commonalty.

The Commonalty consists, as before stated, of every resident householder of full age, within the limits of the Marsh, and are exempted from county rates, and from serving on juries out of the Marsh.

It is probable that the lords of the Marsh, with the bailiff, jurats and commonalty of the corporation of Romney Marsh, were originally one body, composed of lords, bailiff, jurats and commonalty, combining the functions of judicature and the conservancy of the Marsh. Henry III. by a charter dated in the 36th year of his reign, reciting that *time out of mind* distresses ought to be made on those which have lands and tenements in the Marsh to repair the walls of the same, by twenty-four lawful men of Romney Marsh thereunto chosen and sworn, granted to the said twenty-four men to cause those distresses to be done, so that it be equally made, and that no sheriff of Kent should intermeddle.

By the ordinances of Henry de Bath, one of the justices of Henry III. who, in the 42d year of that King's reign, was despatched into the Marsh for the redress of past grievances and drawing up rules for the future, the power of inquiring as to defaulters in the repair of the sea-wall is vested in the twenty-four jurors *elected by the commonalty*; and defaulters refusing, upon notice from the common bailiff, to repair their share of the sea-wall, the common bailiff is to do it, and the defaulters to pay the bailiff double costs for his charges laid out on the same reparations, which costs are to be reserved for the benefit of the said reparations.

In the 16th year of Edward I. John de Lovetot and Henry de Appledorefield, King's justices, being sent down to inquire into the state of the Marsh, confirmed the ordinances of Henry de Bath, adding, nevertheless, "that because *in the said ordinance nothing is expressed of the choice of a common bailiff of our Lord the King in the same Marsh*, by what means, and by whom that choice ought to be made; It is ordained, that from henceforth the said common bailiff of the said Marsh dying or deceasing, another which is resident, and hath lands in the same Marsh, may have and hold his place; and that *the said choice be from henceforth made by common assent of the towns of the said Marsh; and where the greater number agree, it shall stand at their choice, because it hath been so accustomed to be done.* And because in the said Marsh of Romney, *beyond the water-stream of the dock, stretching from Suergate towards Rumen Hall, on the west part of that creek, unto the county of Sussex*, there was no certain law of the Marsh appointed nor used, but of such as have lands at will therein; It is ordained, that *in the Marsh beyond the said creek*, towards Sussex, *there be appointed to be chosen by the commonalty, jurors*, which, for the security of those parts in that behalf, shall be sworn, and having respect to the numbers of acres which are subject to danger, and the quantity of walls and water-gages there to be repaired and maintained, on their oaths, shall consider and appoint as much as shall be needful to repair and uphold them.

"*And further*, for that hitherto in those parts beyond the said dock, towards Sussex, there was no common bailiff appointed, which should provide against the dangers there happening, for the common good of those parts; *It is ordained that henceforth there be chosen a bailiff in the said Marshes, beyond the said watercourses towards Sussex*, to oversee and keep in repair the walls and water-gages by the said places of the said Marsh, where he shall see it most convenient for the whole commonalty; *And that the lords of the towns of the said Marsh be* always aiding and assisting, and *called beyond the said watercourse towards Sussex if they will be present, and the jurors and whole commonalty of the said Marsh.* It is also ordained, *that the common bailiff of the King in Romney Marsh be overseer of the said bailiff and jurors in the Marsh beyond the watercourse* towards Sussex, when it shall be needful, and cause them to assemble to execute their ordinances for the safety of the lands of the said Marshes, so that always on either side of the said watercourse they stand to the ordinance of the said jurors."

The appointment of a separate bailiff and jurors for the portion of the Marsh "beyond the watercourse of the dock stretching from Suergate towards Rumenhall, on the west part of that creek unto the county of Sussex," under the ordinance of 16 Edw. I. seems to have been the origin of the two separate bodies of bailiff and jurats of the corporation of Romney Marsh, and the bailiff and jurats attached to the lords of the Marsh; but at what time the corporation of Romney Marsh ceased to exercise any control over the conservancy of the sea-wall, or were compelled to accept for their bailiff, a bailiff appointed by the lords of the Marsh, it is not easy to discover.

It appears, however, that the common bailiff of the greater portion of the Marsh was appointed by the lords as early at least as the 33d of Edw. III. for an ordinance of that date of Thomas de Ludlow, Robert Belknap and Thomas Culpepper, justices of Edw. III. after reciting

* With respect to the ancient custom, the corporation esteem it a grievance, that instead of electing their own bailiff they should have a bailiff imposed on them by the lords of the Marsh. The bailiff himself concurred, upon the present inquiry, in objecting to the custom.

ROMNEY MARSH

reciting an ordinance of Henry de Bath and *his fellows*, justices of Henry III. "that whosoever of the tenants and persons resident within the said precinct, *whom the greater part of the lords having rule within the said precinct would choose, should be bailiff*, to levy the assessments for reparation of the said walls, ditches, sluices and defences aforesaid,"—ordains "that the common bailiff of Romney Marsh, which hath lands, and is resident there, *be chosen by the common assent of the lords of the towns of the said Marsh, or their special attornies.* And if it happen that any of the said twenty-four jurors die within the year, or ought to be removed from his place, others shall be chosen, and set in the principal assembly by the lords of the fees, the bailiff, jurors and commonalty, of best discretion and ability within the same Marsh, to make up the said number of twenty-four."

Officers.

The officers of the corporation of Romney Marsh are a bailiff, appointed, as above explained, by the lords of the Marsh, and—

Four justices.
A chamberlain.
A seizing officer of wrecks, fines and forfeitures.
A clerk.
A serjeant or minister to the bailiff, and—
A gaoler.

All elected annually by the bailiff, jurats and commonalty, or a majority of them, on Michaelmas-day; the justices from among the jurats; the other officers from among the residents of the Marsh.*

Bailiff.

The Bailiff is chief magistrate of the Marsh, with jurisdiction exclusive of the county magistrates. He presides at the court of sessions and gaol delivery. He has no salary or emoluments.

Justices.

The Justices are coroners as well as magistrates; and besides their ordinary duties as justices of the peace, are a component part of the court of sessions and gaol delivery. They have no salary or emoluments.

Chamberlain.

The Chamberlain collects the rate, which is in the nature of a county or gaol rate; makes the disbursements, and accounts to the entire body. The accounts are annually published in the county newspapers. He has no salary or emoluments.

Seizing Officer.

The Seizing Officer of wrecks, fines and forfeitures, whose duties are indicated by his title, is remunerated by his charges for business done.

Clerk.

The Clerk who discharges the duties attached to the office of town clerk in town corporations, has a salary of 30*l.* and his professional charges for extraordinary business. He attends all the meetings of the corporation, and keeps their records.

Serjeant to Bailiff

The Serjeant to the Bailiff summons juries, and attends the corporation meetings as a serjeant at mace. He has a salary of 3*l.* 3*s.*; and—

Gaoler.

The same person now fills the office of Gaoler, for which he has, in addition, a residence, and a salary of 5*l.*

Fees and Fines.

There are no Fees on admission to office. A party refusing to serve the office of—

Bailiff is liable to a fine of - - -	£. 10 – –
Justice - - - - - - - -	5 – –
Jurat - - - - - - - -	1 – –

Ruling Body. Freedom.

There is now no Ruling Body other than the entire corporation; and no Freedom to be taken up.

Courts.

A Court of Session and Gaol Delivery is holden annually, or oftener, if necessary, before the bailiff and four justices, assisted by a barrister, who attends at the instance of the corporation, and is paid for his attendance out of the gaol rate.

The clerk of the corporation acts as clerk of the peace.

The jurisdiction of the court extends to every species of offences; but offenders are few; and till the last sessions there had been no case of felony for three or four years.

An adjourned sessions is held the first Thursday in every month.

Court of Record.

A Court of Record, which the corporation is entitled to hold, has long fallen into disuse.

Juries.

The Juries are empanelled by the bailiff, and summoned by the bailiff's serjeant.

Police.

The Police consists of five constables, appointed by the grand jury at the Michaelmas sessions; one for the hundred of Worth, and one for each of the half hundreds of Newchurch, Aloesbridge, Ham, and St. Mary Ivychurch.

These

* In 1604 the entire body came to a resolution to delegate their powers to a body of 24 Jurors, elected by the whole for life, subject to residence.

The government continued in this body till 1820, when it was partially thrown open, and in 1830 entirely, to all the inhabitants, as before 1604.

Between 1820 and 1830 the Justices were elected by the Jurats, and a small body of seven or eight Commoners elected by the whole for that purpose.

ROMNEY MARSH. These five constables appoint three or four householders for each district, and the force is found sufficient for ordinary occasions.

Gaol. The Gaol, which is exceedingly small, is superintended by the bailiff and justices.

Revenues. The corporation has no property, but is empowered to make a Marsh gaol rate in the nature of a county rate, and applied to similar purposes. It does not exceed 2*d.* in the pound on the property subject to it; and the accounts are annually published in the county newspaper.

RECEIPTS.

	£.	s.	d.
Balance of last year's account	28	1	3½
By twopenny rate granted 6th December 1832	225	16	5
By fines for assaults, &c.	3	5	–
£.	257	2	8½

EXPENDITURE.

	£.	s.	d.
Expenses of general sessions	39	11	8
Adjourned sessions	38	6	–
New hall, gaol and prisoners	14	19	4
Printing, stationery and stamps	5	18	7
Removing vagrants	2	6	6
Recorder and other officers' fees and salaries	70	4	–
Anniversary and other meetings of corporate body	14	17	–
Coroners	2	4	6
Casual	–	2	9
	188	10	4
Balance in the hands of chamberlain	68	12	4½
£.	257	2	8½

Patronage. The bailiff for the time being appoints the Governor of Southland's Hospital, who has a house, and from 30*l.* to 40*l.* a year.

There are no local Acts relating to this corporation.

London, March 29, 1834. *P. Bingham.*

REPORT

ON

THE TOWN OF RYE.

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TOWN OF RYE.

1. THE Liberties of the town of Rye extend over nearly one half of the parish of Rye, comprehending 992 acres out of 2,369. The population out of the jurisdiction is entirely rural, and does not amount to above 500; that within it is about 3,200. Limits of the Liberties.

2. The corporation possesses no private Charter. It is a corporation by prescription. Charters.

3. The Title of the corporation is, "The Mayor, Jurats and Commonalty of the ancient Town of Rye." Title.

4. The officers, who derive their appointm ent from the corporation, are, Officers.

Mayor	1
Jurats	12
Town Clerk	1
Chamberlain	1
Mayor's Serjeant	1
Common Serjeant	1
Clerks of the Market	2
Crier	1
Driver of Commons	1
Scavenger	1
Gaoler	1

5. There are 113 Freemen, 107 of whom are resident within the town and liberty. Freemen.

6. The Mayor is elected annually out of the jurats by the freemen. It is considered that none but rate-payers are entitled to vote, so that when a person, substantially non-resident, has wished to exercise his privileges as a freeman, he has had a nominal residence in the town, for which he has paid rates. Such of the freemen, as are present, retire from the court hall, where the meeting is convened, into an outer part of it, and there, by proposal amongst themselves, elect the new mayor. A division has seldom taken place amongst them. It is usual for the freemen to meet together, three weeks before the day of election, and then to arrange amongst themselves who shall be elected mayor. Only two instances are known of any opposition having been made to the person agreed upon at this meeting. One instance took place in 1832. The reason given for the previous meeting was, that the person to be elected might have the opportunity of preparing a dinner. In the year 1825, a *freeman* was put in nomination, and a greater number of votes was tendered for him than for the *jurat*, who had been proposed. The mayor returned the jurat as duly elected. Considerable angry feeling and violence arose out of this election. Some of the freemen and inhabitants took possession of the hall, and broke open the chest where the corporation books were kept. The freeman, who had been nominated as mayor, called up a certain number of freemen as his jurats, in the manner mentioned in the next section; and they, together with some of the freemen, for some time assumed all the functions of the corporation. These proceedings were, however, discontinued on a criminal information being moved for against some of the parties. The passage in the customal relating to the choosing of mayor is as follows: "that every year, the Sunday next after the feast of St. Bartholomew, all the men of the commonalty of the town shall be assembled at the church;" "and then, by the whole commonalty, shall choose them a mayor." It was contended, that there was no restriction in this as to the election being from the jurats of the preceding year. The corporation books go as far back as the year 1480, and there is no instance recorded of any one but a jurat having been elected mayor, but there is no bye-law which so restricts the election. Within the last four years a considerable alteration has taken place in the constitution of the corporation. Previously to the year 1830, the number of freemen, as will be seen in sect. 14, was extremely limited; not more than 15 or 20 usually attended the election of mayor. The office has been continued in one family, with a few exceptions, since the year 1775. During this interval one member of the family held the office 20 times; another, 10 times; a third, five times; a fourth, three times, and a fifth, once. Of late years, two of them, father and son, have generally held the office alternately, one of them being a clergyman. There was no canvassing for the office, nor was it coveted by the freemen, on account of the expense which was usually incurred. The object, which the family referred to had in taking the office, was the patronage of the Parliamentary borough. For many years Members of Parliament were always returned through the influence of this family. The mode, in which this influence was kept up, will be mentioned in sect. 14. The mayor has the power of making a freeman during his year of office, and of convening all corporate meetings. This and the wish of having the returning officer, in case of an election, favourable to the patron's interest, were no doubt the inducements to the family referred to, to incur the trouble and expense of the office for so many years. The mayor has nearly always been resident; the only exception of late years being that of a clergyman, who lived the greater part of the year upon preferment in Lincolnshire, but who had a residence in the town to which he occasionally came. Mayor, election of.

 7. A Deputy

RYE.

Deputy Mayor, appointment of.

7. A Deputy Mayor is always appointed by the mayor on coming into office. The appointment consists merely of an entry in the book of proceedings, and is considered to be for the whole mayoralty of the person appointing him.

Jurats, appointment of.

8. As soon as the mayor has been sworn into office, he calls upon a certain number of freemen, not exceeding 12, to assist him as Jurats for the following year. He need not select the jurats from those freemen who are present. The number appointed has constantly varied, but has very rarely been complete. Thirty years ago there were seldom more than four or five appointed. The object of appointing so few was to confine the choice of the freemen, in the election of mayor, to personal friends or family connexions of the patron. The same principle continued nearly to the passing of the Reform Act. The Members of Parliament for the town have generally been appointed jurats. The appointment is confined to the mayor's election day; he cannot appoint at any other time. The town clerk stated that the reason of the full number not having been appointed was, that vacancies might be left for the following year for any desirable persons who might happen to come to reside within the town, it being always customary to re-appoint the same persons, if they did not signify a wish to the contrary. There can be no doubt, however, that the practice was chiefly caused by the motives previously mentioned. This system has been broken in upon within the last two or three years. The present mayor appointed 12 jurats; one of them has declined to act, and two of the others have not yet qualified, but the mayor had no reason to expect this when he appointed them.

Town Clerk, election of.

9. The Town Clerk is elected annually on the mayor's election day by the mayor, jurats and freemen. The same person is always re-elected. He makes an offer of his services for the following year, and is then proposed and seconded, and elected as a matter of form. The town clerk has always been an attorney. The present officer is a freeman by birth, and a family connexion of the patron: he was first elected in 1806.

Chamberlain, election of.

10. The Chamberlain is elected in the same manner, and by the same persons, as the town clerk. He is always a freeman. The present chamberlain was first elected in 1806; he is the postmaster.

Mayor's Serjeant, appointment of.

11. The Mayor's Serjeant is appointed annually by the mayor. The same person has served the office about 10 years: he is a freeman, and became so on the nomination of the mayor.

Other Officers, election of.

12. The following Officers are elected annually, in the same manner, and by the same class of persons, as the town clerk.

Common Serjeant.

The Common Serjeant. He is generally a freeman. The present common serjeant has been in office about 10 years.

Clerks of the Market.

The Clerks of the Market. The two serjeants have generally been elected clerks of the market.

Crier, Driver of Commons, Scavenger.

The Crier, Driver of Commons and Scavenger. These offices are generally filled by the same person.

Gaoler, appointment of.

13. The Gaoler is appointed by the justices. His office is considered to be during pleasure.

Freemen, admission of: By Birth.

14. The right to the Freedom is acquired by Birth only, and confined to the eldest son of a freeman. It was thought not to be necessary that he should be born within the liberty. There were not above 14 or 15 admissions through this qualification during the 30 years previous to 1830. The reason of this will appear in the account of the following class of freemen.

On the Nomination of the Mayor.

The Mayor has the privilege of making one freeman during his year of office. The town clerk considered that the consent of the jurats was necessary. This formed an additional reason for confining the office of jurat to the personal friends of the patron. The privilege has been exercised every year, with three exceptions, since 1799. The selection has been made entirely with reference to the Parliamentary borough, and has been generally confined either to the personal friends of the patron, or to such inferior officers of the corporation as were dependent for their situations upon him. It has been customary also to name none but old men, who were unlikely to have sons born after admission. This was stated to be the reason of there having been so few admissions by birth.

On Election by the Corporation.

The mayor, jurats and freemen have the power of admitting any one to the freedom. The only persons, who were admitted by them within 70 or 80 years preceding 1830, were the Members of Parliament for the borough. In 1830, 25 persons were elected, and in 1831, 79. The corporation are now willing to admit any one who wishes to have the freedom; but, as the privileges are now so small, the expenses of admission have prevented a large number of those who were elected in 1830 and 1831 from taking up the freedom. Religious tenets seem not to have formed any grounds of exclusion from the corporation: there are at present several dissenters in the corporation. It was considered that any freeman, who should reside out of the liberty for a year and a day, would be liable to disfranchisement. There are entries in the ancient books of the corporation of this having been carried into effect. On coming back into residence the freeman may claim a re-admission.

The

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The Fees on Admission are, 1 *l.* to the town clerk, and 1 *s.* to the chamberlain for buckets and hooks; the latter was a contribution towards the fire-engine. The stamp duty is 1 *l.* for an admission by birth, and 3 *l.* for the other admissions. It was always customary for a freeman, on his admission, to give a supper to the members of the corporation, at an expense frequently of 15 *l.* or 20 *l.* This was discontinued in 1830. Fees paid on Admission.

15. The power of the corporation is lodged in the whole body, mayor, jurats and freemen. A meeting of them is called a common assembly, of which 48 hours notice, given by the serjeant to each member, is necessary. The mayor, or his deputy, and two jurats and eight freemen must be present to constitute a valid meeting. The mayor, or his deputy, must convene the assembly, but any member of it may originate a proposition. A strong objection was expressed by one of the jurats to the mayor's having the exclusive power of convening a common assembly at his discretion, and at his not being compellable to do so on a requisition from a certain number of freemen. Governing Body.

16. A Committee is annually formed, consisting of the mayor, or his deputy, two jurats elected by the freemen, and two freemen elected by the jurats. The entry in the book always states this committee to be, for putting out work, surveying the landed property, and auditing the accounts. There is also a standing order that the chamberlain shall not pay any bills without the allowance of the committee. Until within the last two years this had long been merely a nominal body, they having never attended to any one of these duties. Committees.

17. There appears by the corporation books to have been at one time a body, called a Common Council. It was thought that this body had died away probably from want of a sufficient number of freemen to compose it. There is little or no account of it since 1590. Common Council.

18. The effect produced upon the inhabitants generally by the system, on which the corporation has long been constructed and managed, has been, as might be expected, that of great dissatisfaction and discontent. Not the slightest imputation was made upon the private respectability of the family, who were considered to have had the patronage of the Parliamentary borough; but as this patronage was founded on a system of exclusion from the corporation of all persons, who were likely to exercise their privileges independently of the patron, and as he himself and his relations have generally been nearly the only jurats and justices, those officers have been considered as holding their situations merely for political purposes, the obvious tendency of which is to diminish that confidence which ought to exist towards the magistracy of the town. The offices under Government, held within the town, have always been given to the freemen, upon the nomination, as there can be no doubt, of the patrons. This has naturally created jealousy and discontent. A document was produced to me, purporting to be an agreement amongst five individuals of the corporation, consisting of the patron, and friends and relations of his. The town clerk protested against my receiving it, as being strictly a private paper, which had most improperly been printed; but no doubt was expressed by him of its genuineness. It was set out at length in a petition to the House of Commons from some of the inhabitants in 1827. This agreement consists of several items; the first of which is, that the parties to it will exert themselves for the benefit of each other, for the good and advantage of the corporation generally. The next item is, that no application shall be made by any of them for any place or office exercised within the corporation, which is in the gift of Government, without the privity and approbation of them all. They are to consult each other upon the selection of jurats by any of them as mayor. They are to oppose the nomination of every one as freeman, who is not liked by all of them. They are to use their interest and endeavours to procure the election of each of themselves in rotation to the mayoralty. There is a provision for making the patron, or a particular relation of his, deputy mayor, when any of the others is mayor. There is then an agreement between two of them, for dividing the profits arising by the collectors of the customs hiring the warehouses or vessels of either of them, and for giving each other half the work which either of them may contract to perform for the corporation or commissioners of the harbour. Lastly, the agreement is to be secret, and not disclosed to any one. Within the last two or three years the corporation has been entirely opened, and already much angry feeling has subsided. It was stated that the effects of this were plainly visible in the private society of the town, and that much improvement in the general state of the town was confidently expected. General Remarks.

19. The Mayor is a justice of the peace, and is expected to take the principal part of the duties. In his absence the deputy mayor is generally applied to. Mayor, functions of.

He, or his deputy, must preside at the court of record.

He is exclusively coroner within the liberties. The average number of inquests is not more than one in three or four years. The town clerk always attends the inquests with the mayor, and practically acts as coroner. The jury is summoned by the mayor's serjeant. He selects such householders, near the place of holding the inquest, as can conveniently attend. Each juryman used to have an allowance by the corporation of 1 *s.*; but this has been discontinued. The mayor's serjeant has 5 *s.* for summoning the jury. The town clerk has a fee of 1 *l.* 1 *s.* on each inquest, and 1 *s.* for each deposition which he takes; he has also 5 *s.* for making out the summons for the jury, and 2 *s.* for making out the warrant to bury the body. These fees have all been paid out of the liberty-rate since its establishment; they were previously paid out of the corporation funds. The mayor receives no fee as coroner. Coroner.

The mayor takes the chief management of the affairs of the corporation, and gives such orders as are requisite before the time at which he can call together the committee. Until within

RYE.

within the last four years he has had no assistance from this body. If any considerable outlay were to be necessary, he would convene a common assembly of the whole corporation.

The mayor is by office one of the commissioners of the harbour.

He is a governor of two foundation schools in the town.

He and the jurats have the appointment to some almshouses.

The mayor has no salary or emoluments. Until the last three or four years the office was one of expense, as the mayor was accustomed to give a dinner and breakfasts. These have been discontinued. There is at present only an expense of 10*l.* or 15*l.* incurred on the day of election, upon the ringers, strewers, &c.

Jurats, functions of.

20. The Jurats are justices of the peace.

They are commissioners of the harbour, and governors of two foundation schools.

They also join with the mayor in the appointment to some almshouses.

They are judges of the court of record. Two of them must be present to form a court.

They have no emoluments or expenses.

Town Clerk, functions of.

21. The Town Clerk is the general legal adviser and attorney of the corporation.

He attends all common assemblies, and enters the proceedings.

He is the clerk of the peace for the liberty, and the clerk of the court of record. He is also clerk to the justices.

He has a salary of 20*l.* He has 1*l.* on each admission to the freedom. His fees as clerk of the peace do not amount to more than 2*l.* or 3*l.* in the year. The only fees, which he ever receives from the court of record, are those on the levying of fines. He charges 4*l.* for each fine, out of which he has to pay the stamp-duty; there is not above one fine in a year on an average. He has a fee of 6*s.* 6*d.* on each publican's licence. His fees on coroner's inquests were mentioned in sect. 19. The whole of his emoluments as clerk to the justices, including the licences, averages about 20*l.* in the year. He has a professional bill on the corporation of about 6*l.* or 7*l.* in the year, supposing that there are no unusual legal proceedings. He has usually had 10*l.* from every Member returned to Parliament for the town.

Chamberlain, functions of.

22. The Chamberlain collects the revenue of the corporation, and makes all the payments upon the allowance and order of the committee. For many years, however, previously to 1830, the patron of the borough, who was generally mayor, has given all the orders. The accounts ought to be audited every year by the committee, but this has never been done until recently. The accounts have been very irregularly kept, and the chamberlain seemed to know very little about the pecuniary affairs of the corporation. A further account will be given of them in sect. 37. The audit ought to take place, and probably will in future, at the first common assembly after the election of mayor. The chamberlain has a salary of 10*l.*

Mayor's Serjeant, functions of.

23. The Mayor's Serjeant is the general corporation servant of the mayor; he attends all courts and common assemblies. He executes process out of the court of record, and summons all juries within the liberties.

He has a salary of 12*l.* 12*s.* He has 5*s.* for summoning the coroner's jury, and 1*s.* for every other summons and order, which he may have to serve. He has 10*s.* 6*d.* for making an arrest, and 5*s.* for every fine levied in the court of record. He is also clerk of the market, and the officer of the court of requests. The whole of his emoluments from these different sources he averages at about 25*l.* a year.

He is also inspector of corn returns, and, as such, has an allowance from the Government of 25*l.* a year.

Common Serjeant, functions of.

24. The duties of the Common Serjeant are nearly the same as those of the mayor's serjeant. He has a salary of 12*l.* 12*s.*

He is also clerk of the market, which situation produces him about 10*l.* 10*s.* a year.

Clerks of the Market, functions of.

25. The Clerks of the Market have the care of the market-house, which they clean. They arrange the stalls and standings, and receive the fees upon them, at the rate of 6*d.* a week for a stall, and 1*d.* for a standing. If any unwholesome meat were to be exposed for sale, they would report it to the mayor. The fees produce to each of them about 10*l.* 10*s.* a year.

Crier, Driver of Commons and Scavenger, functions of.

26. The functions of the Crier, Driver of Commons and Scavenger may be collected from their names. The crier earns about 10*l.* a year. The two other officers in fact do little or nothing, and have no salaries.

Gaoler, salary of.

27. The Gaoler has a salary of 12*s.* a week, paid out of the liberty rate, and a house rent free. This salary has been lately increased from 8*s.* a week, in consideration of the gaoler having been sworn as a constable, and undertaken certain duties relating to the vagrants.

Freemen, privileges of.

28. The Freemen at present enjoy no privileges but those common to the freemen of all the Cinque Ports. Instances were mentioned of freemen having been exempted from certain duties in some ports, and having been refused the exemption in others. At Newcastle, a freeman was allowed an exemption, proportioned to the share of ownership which he had in the vessel. But it was stated that, of late years, great strictness of proof of the right to the exemption had been required in that port.

The freemen used to be exempt from half the town dues, noticed in sect. 37.

Before

RYE.

Before the Reform Act, the freemen had the exclusive right of voting for Members of Parliament for the town.

Jurisdiction of Corporation.

29. The courts, of Jurisdiction co-extensive with the liberty, are,

The Quarter Sessions,
The Petty Sessions,
The Court of Record,
The Court of Summary Jurisdiction, generally called the Court of Requests.

Quarter Sessions.

The Quarter Sessions are regularly held before the mayor and other justices. There is no recorder, but a barrister has been occasionally retained, as assessor to the justices. On other occasions the mayor takes the evidence, and charges the juries. The court has jurisdiction in capital felonies, but it is never exercised; in fact, all, except trifling cases, are sent for trial at the assizes. The town clerk is the clerk of the peace. He makes out the jury lists from the poor-rate book. All who are rated in it at above 10*l.* are put upon the grand jury list, and those rated at 10*l.* or under are taken for the petty jury. A rotation is observed in both cases. The grand jury list contains a sufficient number for three years, one jury being sworn in for the whole year. About 20 are summoned, and 15 sworn, if so many attend. There are about 100 on the petty jury list, 24 of whom are summoned whenever there is any occasion for this jury. The grand jury are not required to attend, unless they have notice that there is business for them. They meet together about four times in the year, and go round the town to examine the weights and measures, and seize such as are imperfect. They also make presentments of encroachments on the streets and any other nuisances. The jury do not always attend to make the presentment, which is sometimes done by the foreman alone, in the name of them all. The parties presented are summoned by the court to show cause why the nuisance should not be abated. This is generally attended to, but in some cases no notice has been taken of the summons; in such a case a second presentment is made; if this be disregarded, the matter is allowed to drop. Complaint was made, that the court did not enforce the presentments, in consequence of which jurors had threatened not to act again. Each juryman, grand and petty, is allowed 1*s.* out of the liberty rate for every day on which he has to attend the sessions. Barristers do not attend. Attornies are generally employed as advocates in any cases which occur; if not, the mayor examines the witnesses from the depositions. There were three committals for felony in 1830, one in 1831, and one in 1832; out of these there were three convictions, but no transportation. Costs are very seldom asked for, the prosecutor almost always paying his own expenses: none were allowed in the three years just mentioned. The town clerk usually charges 7*s.* for preparing an indictment, and 6*d.* for swearing each witness, but seldom receives more than 7*s.* in the whole; he charges 6*s.* 8*d.* for discharging a recognizance. There are rarely any appeals tried.

Petty Sessions.

The Petty Sessions are held every alternate Wednesday. The town clerk always attends as clerk to the justices.

Court of Record.

The Court of Record is held every alternate Wednesday before the mayor and jurats; the mayor, or his deputy, and two jurats are a quorum. The court has jurisdiction over all actions, real, personal and mixed. No action has been brought in the court since the year 1791. The only business now transacted in it is the levying of fines; and the number of these does not average one in the year. The mayor's serjeant is the officer of the court. He and the common serjeant used to be the attornies of the court. The town clerk is clerk. The officers of the corporation and freemen are generally sworn at this court; indeed, the hundred court, at which the mayor is elected, is supposed to be a holding of the court of record.

Court of Summary Jurisdiction.

The mayor and jurats exercise a summary jurisdiction over debts below 40*s.* Very little is known respecting this jurisdiction, which is analogous to that of a court of requests. The court has been in operation about eight or nine years, but seems to have existed previously. One person stated that he remembered its exercise 40 years ago. It is thought to be a prescriptive court, which had fallen into disuse. The creditor takes out a summons against his debtor to appear at the following court. If he make default, an order *nisi* is made, that unless he come and show cause at the next court, he shall pay the amount claimed. If he then neglect to appear, or fail in disproving the claim, the order is made absolute for payment within a given time, after which an attachment issues against his goods. There is no execution against the person. There were 5 actions commenced in the year 1830, 7 in 1831, 12 in 1832, and 20 in 1833, in only three of which attachments issued. The costs of an action, including the attachment, may amount to 1*l.* 3*s.*, of which the town clerk receives 10*s.*, and the mayor's serjeant 13*s.*; the cost of the first summons is 3*s.*, of the order *nisi* 2*s.* 6*d.*

Police.

There are four constables, appointed annually by the justices at the quarter sessions. The constables of the year present a list of eight householders, two from each quarter of the town, and out of each of these two the justices select one. The persons appointed are usually the younger tradespeople of the town. There are two night watchmen, who are maintained by private subscription; these and the gaoler are sworn as assistant constables. There is at present an association of inhabitants, who do not contribute to the maintenance of the watchmen, six or seven of whom watch every night during the winter season.

Extension of Jurisdiction.

30. The whole of the town is included within the corporate jurisdiction, which therefore seems to require no extension.

RYE.

Liberty Rate.

31. A liberty rate, in the nature of a county rate, was first imposed in January 1832. Previously to that, the expenses, now charged upon the rate, were defrayed out of the funds of the corporation. The rate is made by the justices at the quarter sessions. The first rate was 1*s.* in the pound. This was collected separately, for, as part of the parish is not within the liberty, and therefore contributes to the rate for the county, which is usually about 6*d.* in the pound, that part would have contributed more than its fair proportion, if the shilling rate had been taken out of the poor rate. A rate of 6*d.* in the pound was made at the Michaelmas sessions 1833, and, being about the same as the county rate, both of them were that year taken out of the poor rate. A shilling rate produced about 120*l.* The payments in the year 1833 amounted to 83*l.* 16*s.* 7*d.* The principal items are, expenses of prisoners, 21*l.* 9*s.* 1*d.*; expenses of constables at an election, 13*l.* 15*s.*; gaoler's salary, 20*l.*; juries, 3*l.* 6*s.*; constables, 6*l.* 4*s.*; contribution to the debtors in Dovor Castle, 9*l.* 3*s.* 4*d.*; treasurer's allowance, 5*l.* The treasurer's allowance for the year 1834 is only 2*l.* on account of the amount of rate being less. The accounts are audited by the justices, and an abstract of them has been published in a local newspaper.

Gaol.

32. The Gaol consists of two large rooms, one above the other. It affords none of the requisites of a prison, beyond that of confinement. As the magistrates have the means of sending prisoners to the county prison, on paying the usual composition, prisoners are not often confined in the town gaol.

Poor.

33. The poor rates amount annually to 18*s.* in the pound in the year: this produces about 3,180*l.* Part of the rate has been latterly applied to paying off a debt, so that only about 13*s.* 6*d.* in the pound has been expended upon the poor.

Patronage.

34. The mayor and jurats are governors of two endowed schools, called Pecock's and Saunders', a full account of both of which is given in the Report of the Charity Commissioners. One of these schools is entirely a grammar school. Strong representations were made by several of the inhabitants, that almost all benefit of the school was lost by the townspeople, on account of Latin and Greek only being taught gratuitously. At the other school, English grammar, arithmetic and navigation are taught, and admission into it is much more sought after than into the other. The mayor and jurats have the appointment of boys upon the foundations of both.

Licences.

35. There are 10 licensed public-houses within the liberty; three of them are the property of a jurat, but these have been licensed for a great number of years.

Markets.

36. There are two markets in the week. No tolls are taken by the corporation, but they impose a small charge of 1*d.* upon each person who stands in the market-house, and 6*d.* for each stall, the corporation finding the stalls. The income produced is not above 21*l.* in the year, which the serjeants, as clerks of the market, have for the trouble of setting up the stalls, and taking care of the market-house. There is a cattle market every fortnight, and a corn market every week.

Revenue of the Corporation.

37. The Income of the corporation is derived almost entirely from land. The following is a summary of the present rental:

	£.	s.	d.
Fresh Marsh land	152	10	–
Salt Marsh land	53	–	–
Ground rents	40	–	–
Cottage	3	18	–
£.	249	8	–

Fresh Marsh.

The Fresh Marsh land contains about 45 acres. It is let on a lease for seven years, from Michaelmas 1833. The lease granted previously to the present was also for seven years. On both these occasions the letting was by public auction. A portion of this land was purchased in 1730, and was at the time ordered to be appropriated to the paving and lighting and waterworks of the town. The rents have ever since been applied to the maintenance of waterworks, for bringing water into the town. They have not been sufficient for this purpose. This part of the estate at present produces 36*l.* a year; it was let in 1826 for seven years at a rent of 74*l.* It is generally called Benbrigg's, from a former proprietor of it. It originally comprised 13 acres, but has been reduced to little more than 11, by a grant to the parish of one acre for the purpose of building a small-pox hospital upon it, (which acre was afterwards exchanged for the present workhouse,) and by part of an acre being taken up by a road.

Salt Marsh.

The Salt Marsh land contains about 105 acres. This land at high tides has been always inundated, and on this account has been of comparatively little value. Provision has been made by the Harbour Act, 3 & 4 Will. 4, c. lxvii, for embanking it, so as to keep out the sea water. The process for doing this is very expensive. The work is under the management of the harbour commissioners. The Act appoints surveyors for superintending the work and apportioning the expense amongst the different owners, whose lands, as well as those of the corporation, shall be embanked. The estimate furnished to the corporation of their share amounts to 2,250*l.* 4*s.* 1*d.* They are allowed 14 years in which to pay this, paying interest at 4 per cent. in the meantime to the harbour commissioners; they are also empowered to make it a charge upon the land. The harbour commissioners are in debt to the corporation 500*l.*, upon a sale by the latter of the harbour lights and light dues, which reduces

reduces the claim of the commissioners to 1,750 *l.* 4 *s.* 1 *d.* It is thought that the extent of land has been estimated rather too high, and that about 200 *l.* may be deducted from the above, so that the actual charge upon the land will be about 1,550 *l.* 4 *s.* 1 *d.* It will be four or five years before the benefit of this improvement will be substantially experienced. The land is let at present in parcels, from year to year. It is expected that in six years' time the marsh will let for 250 *l.* a year, and from this increased rent the corporation contemplate paying off the charge upon it. Up to the year 1833 this marsh had been let to freemen, and produced only 13 *l.* 13 *s.* a year.

Ground Rents.

The Ground Rents are small annual payments, in respect of plots of land in different parts of the town, upon which buildings have been raised. It was supposed that they originally formed parts of the waste. They have been let from time to time on building leases, some of them of 21 years, and others of 99 and 1,000 years. It is not expected that this property will become much more valuable to the corporation than it now is. It has lately not been customary to grant longer leases than those of 21 years, but the corporation covenant to renew at the end of the term, or to pay for the improvements on a valuation. The long leases have been all granted to persons connected with the corporation at nominal rents, and without any fine. The property contained in some of them has become very valuable, but will not become available to the corporation within any reasonable time. The leases of 999 or 1,000 years were chiefly granted between the years 1730 and 1760.

Cottage.

The cottage is let from year to year at rack rent.

Town Dues.

The corporation have from time immemorial imposed a duty upon all goods imported within the liberties. Freemen were charged only half the toll demanded from other persons. There seems to have been always great difficulty in obtaining payment. About the year 1812 the corporation brought an action against a person who refused payment. In consequence of one uniform toll not having been always demanded, the corporation were unable to establish a prescriptive right. Since that time the dues have been abandoned.

Harbour Lights.

Until recently the corporation had the maintenance of the Harbour Lighthouse, in consideration of which they received a duty upon every vessel coming into or going out of the harbour in cargo. The duties were collected at the custom-house, and seem to have been not much more than sufficient to keep up the lighthouse. They have increased a little within the last two or three years. The corporation has lately sold, to the commissioners of the harbour, the lighthouse and their right to the dues, for 500 *l.* This was thought a fair contract for both parties. The management of such concerns seem much more judiciously placed in the hands of the harbour commissioners than in that of the corporation.

Probable Future Income.

It was stated by members of the corporation that the property was in an improving state, independently of the benefits to be expected from the embankment round the salt marsh. They calculated that in seven or eight years' time the corporation will have an income of at least 500 *l.* a year. No doubt whatever was entertained that it had been injured by the mismanagement of the corporation, and by the sacrifices which they had made in favour of their own members.

Expenditure.

I am unable to furnish any tolerable average of the amount of Expenditure of the corporation, from the manner in which the pecuniary affairs have been managed. No audit of the accounts ever took place between the years 1818 and 1833. At the latter period an investigation of the corporation affairs was entered into. It was found that there were tradesmens' bills outstanding, some of them incurred as far back as 1825, to the amount of above 600 *l.* No regularity whatever had been observed as to the order in which bills were paid, so that the accounts of any one year do not show the expenditure of that year, nor is any better average obtained by taking a number of years. The ground rents had not been collected for 10 years. The chamberlain stated that it was not thought worth while to collect them, as they consisted of so many small sums. The present mayor has undertaken to investigate the whole of the accounts and money transactions of the corporation. At the time of my visit he was engaged upon them. He had collected arrears of ground rents to the amount of nearly 500 *l.*, which he had applied to paying off old bills; and there was still remaining a current debt of about 290 *l.* The gross expenditure, from Michaelmas 1818 to Michaelmas 1826, amounted to 4,647 *l.* 18 *s.* 7 *d.*, giving an average of 580 *l.* 19 *s.* 9¾ *d.* annually. The gross receipts from the resources of the corporation, during the same period, appear to have been 1,032 *l.* 4 *s.* 6½ *d.*, giving a yearly average of 129 *l.* 0 *s.* 6¾ *d.* The marshes during this period were let for 136 *l.* 18 *s.* 6 *d.* The expenditure, from Michaelmas 1826 to Michaelmas 1832, exceeded the receipts by 938 *l.* 8 *s.* During this period the land was let for 279 *l.* a year. From this it might have been expected that there would appear a large balance in the books in favour of the chamberlain. This, however, is not the case; the deficit has from time to time been made good by the patron of the borough. The chamberlain stated that, whenever he wanted money, he always applied to this individual, and obtained what he asked for. The town clerk stated also, that it was customary at every election for the newly returned Members to pay off the yearly balance against the corporation. The confused state of the accounts prevents me from classing the different heads of expenditure. The tavern bills, from September 1816 to the end of the year 1832, amount to 1,150 *l.* 4 *s.* 6 *d.*; it may be remarked, however, that they were much smaller in the last two or three of these years than in previous ones.

RYE.

aw Expenses.

The corporation have, since 1812, incurred Law Expenses to the amount of 2,176*l.* 14*s.* The sum of 950*l.* was expended in a Chancery suit; and the remaining sum of 1,226*l.* 14*s.*, in bringing actions for the recovery of town dues, mentioned above.

iture Expendi-re.

The following was given by the mayor, as ascertained items of future expenditure in the year:

	£.	s.	d.
Salaries	51	–	–
Land-tax	11	18	8
Two small charities	4	10	–
Waterworks	23	10	–
Interest of 1,000*l.* debt	50	–	–
Insurance	–	9	–
£.	141	7	8

The greater number of these items seem to require no explanation. The different salaries have been already mentioned. The land-tax is paid in respect of the marshes.

aterworks.

The current expense of the Waterworks is that of maintaining and working the engine for pumping the water: this is done under a contract for 23*l.* 10*s.* A considerable outlay, however, is occasionally necessary for the laying down and repairs of pipes. The sum of 407*l.* was expended in the last three years; but it is calculated that, when the repairs now going on shall have been completed, the average annual expenditure will not exceed 50*l.* The excess, above the proceeds of the estate appropriated for these works, has been defrayed out of the general funds of the corporation.

ebt.

The corporation have a Debt of 1,000*l.*, secured on bond, at 5 per cent. interest: there are also bills unpaid, to the amount of 285*l.*, for the discharge of part of which the corporation have in hand about 81*l.* This sum of 1,000*l.* was borrowed about the year 1812: part of it was appropriated for paying law expenses, and the remainder for the general purposes of the corporation.

There is also a disputed claim upon the corporation, made by the patron of the borough, in respect of two bonds, one of 1,000*l.*, and the other of 500*l.*, which he alleges that he holds. Fourteen years' interest is claimed on each of these bonds, so that the whole claim amounts to 2,550*l.* The members of the corporation who attended the inquiry, including the mayor and some of the jurats, knew nothing of the history of these bonds, nor have they seen them. The corporation, on the other hand, claims a sum of 907*l.* 10*s.* from the patron for rent of land.

pulation and ite of the Town.

38. The population of the parish in – – – – – 1801 * was 2,187.
1811 * – 2,681.
1821 * – 3,599.
1831 † – 3,715

The number of inhabited houses – – – – 1801 * was 389.
1811 * – 464.
1821 * – 601.
1831 † – 680.

The number of 10*l.* householders registered in the revising barrister's list for the parish, in 1833, was 210, of which not above 10 reside without the liberty. There are 38 freemen, who are all 10*l.* householders, so that the number within the corporate jurisdiction is about 238.

The town is situated in a rich agricultural country, containing a good deal of scattered population, for which it is the market and port. It has very little trade or manufacture of its own. A large tract of marsh land was under process of embankment at the time of my visit. There are contradictory opinions as to the probable utility of this project, and as to the effect which it may have upon the tideway and harbour. The poor-rates have latterly been decreasing; and the price of small houses has advanced.

The following Abstract, relating to the port, was furnished from the custom-house. The foreign imports and exports of Hastings are included in it; but they do not form one tenth of the whole. The Irish trade is included in the foreign returns for the years 1810, 1811 and 1812, and in the coastwise returns for the other six years. At present there is very little communication with Ireland, on account of the drawback on hops. The foreign imports are chiefly cheese and timber; the exports principally wool. The export coasting trade is chiefly timber, bark and hops; the imports are almost entirely coals.

* Marshall's Statistics, p. 86, No. 704.

† Census of 1831.

PORT OF RYE.

YEARS.	Inwards from Foreign Parts.		Outwards to Foreign Parts.		COASTWISE. Inwards.		COASTWISE. Outwards.		Number and Tonnages of Vessels belonging to the Port.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
1810	10	766	8	365	208	15,004	112	7,815		
1811	3	353	12	819	152	11,304	105	7,315	No records.	
1812	4	134	13	810	176	13,557	110	7,982		
1820	87	2,164	19	756	278	No records	144	- -		
1821	50	1,135	15	586	211		189	No records	106	4,226
1822	34	1,182	33	1,216	212		194		102	3,731
1830	42	1,808	15	641	199	15,327	140	9,112	64	3,526
1831	69	3,043	17	702	240	18,664	157	10,396	65	3,670
1832	55	2,763	42	1,990	269	22,402	130	8,820	77	4,175

GROSS AMOUNT of Duties received in each of the last Ten Years.

YEARS.	AMOUNT. £.	s.	d.	YEARS.	AMOUNT. £.	s.	d.
1824	11,217	16	9	1829	14,140	4	–
1825	14,777	6	6	1830	12,184	11	6
1826	13,209	1	8	1831	8,258	3	6
1827	12,893	5	1	1832	6,241	11	4
1828	16,086	2	7	1833	6,937	3	9

The decrease in the tonnage and number of vessels engaged in the French trade in 1821, as compared with the preceding year, was owing to the great number of prosecutions for smuggling which took place in 1821, by which the trade, carried on by a considerable number of small French vessels, was interrupted; and the subsequent establishment of a regular English packet to Boulogne prevented the revival of such trade.

The cause of the increase of coasters inwards, in 1820, and of coasters outwards, in 1821, cannot be accurately accounted for; but when the year is favourable for the growth of hops, it causes a greater number of vessels to be employed in importing coals, and in the conveyance of hops to London.

39. The following are the titles of the Local Acts relating to the town: Local Acts.

37 Geo. 3, c. 130, (Public), "An Act for discontinuing the New Harbour of Rye, in the County of Sussex, and for repealing several Acts relating thereto, and for providing for the discharge of a Debt accrued on account thereof; and for making reparation for certain Losses; and for the Improvement of the Old Harbour of Rye."

41 Geo. 3, c. liii. (Local & Personal, Public), "An Act for more effectually improving and maintaining the Old Harbour of Rye, in the County of Sussex."

1 Will. 4, c. cxxv. (Local & Personal, Public), "An Act to amend an Act passed in the 41st year of his late Majesty King George the Third, intituled, 'An Act for more effectually improving and maintaining the Old Harbour of Rye, in the County of Sussex;' and to appoint new Commissioners; and to enable the Commissioners to raise additional Funds on the Tolls, by way of mortgage or otherwise."

3 & 4 Will. 4, c. lxvii. (Local & Personal, Public), "An Act to alter and amend the powers of several Acts passed relating to the Harbour of Rye, in the County of Sussex; and for granting further powers for improving and completing the said Harbour, and the Navigation thereof."

40. Copies of the following Documents are sent with this Report: Documents.

1. Return relating to the Criminal Jurisdiction.
2. Return relating to the Civil Jurisdiction.
3. Abstract of the Receipts and Expenditure of the Town Rate, from January 1833 to January 1834.

D. Maude.

REPORT

ON

THE TOWN OF SANDWICH.

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TOWN OF SANDWICH.

1. THE town and port of Sandwich, strictly so called, is confined to the three parishes of St. Mary the Virgin, St. Clement and St. Peter: these comprehend the whole of the town. The liberties of the port, for all purposes except those of citizenship, extend over several detached places. They comprehend the ville of Ramsgate, that of Sarr, and the parish of Walmer. Brightlingsea in Essex is within the liberties, but as that parish has been placed under the county jurisdiction by the Act 51 Geo. 3, c. 36, the corporation do not now exercise their jurisdiction within it. The corporation of Sandwich have a concurrent jurisdiction with that of Deal over the parish of Deal: the exercise of it by the former is confined to summoning jurors from it, and trying capital felonies arising within that parish, the justices of Deal not having jurisdiction in such cases. Where the corporation of Deal have jurisdiction, the corporation of Sandwich does not exercise its concurrent right. Limits of the Liberty.

The Hospital of St. Bartholomew, an extra-parochial precinct, situated within half a mile of Sandwich, is within the liberties: freemen residing within it have been allowed to give their votes as resident freemen for the election of mayor, but they have always been entered as doubtful votes. Birth within this precinct confers no right of freedom. It is extra-parochial, and no liberty rate is imposed upon it. The water liberties extend up the river Stour several miles, as far as a point called Pluck's Gutter, where those of Fordwich begin, and downwards as far as the sea, to low-water mark.

2. The only Charter which the corporation possess is one granted by Charles 2, bearing date the 13th day of October, in the 11th year of his reign. Charter by Charles 2.

This charter, if ever accepted, was probably renounced after the revolution. It vests all the power of the corporation in the mayor, jurats and common council, with the reservation of power to the Crown in Privy Council to remove any of the officers. The present practice of the corporation is understood to be in accordance with the immemorial usage within the liberty.

3. The Style of the Corporation is, "The Mayor, Jurats and Commonalty of the Town and Port of Sandwich, in the County of Kent." Style of Corporation.

4. The Officers connected with the corporation are, Officers.

Mayor	1
Jurats	12
Recorder	1
Common Council	24
Land Treasurer	1
Water Treasurer	1
Town Clerk	1
Common Wardman	1
Serjeants at Mace	2
Serjeant at Brazen Mace	1
Crier	1
Beadle	1
Keepers of the Common Chest	3
Auditors of Accounts	9
Wardens of Orphans	2
Wardens of the Flesh Market	2
Wardens of the Fish Market	2
Conservators of the Delf	3
Inspector of Sewers	1
Gauger of Casks	1
Coal Meter	1
Bridge Sweeper	1
Tenant of Beacons	1
Gaoler	1
Bailiff	1

5. There are at present, as nearly as can be ascertained, 337 resident freemen: there are supposed to be between 600 and 700 non-resident. Freemen.

6. The Mayor is elected annually from the jurats by the whole body, comprehending the mayor, jurats, common councilmen and resident freemen. Before proceeding to election, the names of all the freemen, on what is called the poll-book, are read over. The first step is to elect a jurat to be put in nomination with other three, who have stood over in election from the preceding year. If any vacancy have occurred in the three jurats in election, the whole body elect also into this vacancy, so as to have four jurats in nomination, out of whom to elect the mayor. Any elector may propose a particular jurat to be put in nomination. If more than one jurat for each vacancy be proposed, a show of hands is taken, and a poll, if demanded by any one. This does not often take place. If there be any jurat who has not served the office of mayor, it is usual to propose him, and he is almost always put Mayor, election of.

SANDWICH.

put in election without opposition. If there be no new jurat, the person whose preceding mayoralty is most remote, is generally put in election. Local matters sometimes excite an interest in a particular jurat's favour, and produce a deviation from the rule; but the contest never takes a political tone. Before this election begins, the mayor appoints two prickers of the poll, to take the votes in case of a division. There is not a contest oftener than once in four or five years on an average. After the jurat to be put in nomination has been determined upon, he and the other three retire. The names of the four are then declared, and each member of the corporation, who chooses, goes to the town clerk's table, and states for which of them he votes. The jurat just put in nomination is generally elected; this is always the case, if he be a new jurat. No canvass is made by the jurats; but, if a contest be expected, it is not unusual for their friends to solicit votes. If there happen to be any prejudice amongst the freemen against any jurat in election or next in rotation, he and his friends take no steps to have him brought forward as a candidate. Every person, who votes in the election after nomination, receives 1 *s.* from the person elected mayor. On this account it is usual for all the freemen to vote, even when there is no contest. About 200 generally vote. The mayor gives some refreshment to the jurats and common council, the remains of which the freemen have. The present mayor stated that his expenses connected with his election cost him about 60 *l.* the first week of his office: this includes a dinner given by him on coming into office. He was elected jurat in 1830; he is resident within the town.

Deputy Mayor, appointment of.

7. A Deputy Mayor is appointed every year by the mayor, generally on the day of his own election: he is always a jurat. The appointment is considered to be for the whole year, and is made by merely entering the jurat's name in the book of proceedings of the corporation. It is sometimes made at the town clerk's office, in which case he is sworn in there. No rotation is observed in this appointment. The charter of Charles 2 gives the mayor the power of appointing a deputy in cases of illness or absence from the town, but seems to require a fresh appointment on every occasion.

Jurats, election of.

8. The Jurats are elected from the common council by the whole body of the corporation. There is at present a bye-law, that three weeks notice at least shall be given of this election. The notice is generally given at a common assembly, by some common councilman stating his intention of offering himself as a candidate for the office, and requesting the mayor to convene a common assembly for an election. Persons are never put in election by proposal from others, but by offering themselves. It was doubted whether a freeman had a right to propose a candidate. More interest is excited by this election than by that of mayor. When more than one person offer themselves, a canvass takes place, and there is often a severe contest. Political opinions do not influence the election. Each person who has voted for the one elected jurat, whether there has been a contest or not, receives from him half-a-crown. On this account the freemen always vote. The expense incurred in this is usually about 30 *l.* After the election the new jurat provides refreshment for the mayor, jurats and common council, of which the freemen afterwards partake. It used formerly to be the practice for the new jurat to give a supper, instead of which he now always gives 20 *l.* to St. John's Hospital. There are other expenses, such as those of the ringers, and a band of music. The whole expenses of the election amount to about 70 *l.* Vacancies are never kept open long when any common councilman can be found to accept the office, but the expense of election frequently deters persons from offering themselves: there is one vacancy at present. There are no dissenters amongst the jurats, but it was thought that religious tenets would not at all influence the election. All the jurats are resident except one, who lives about five miles from the town.

Recorder, election of.

9. The Recorder is elected by the mayor and jurats. It was thought not to be necessary for him to be a freeman, but the freedom is usually given him. Some of the freemen seemed to think that the right of election was in the whole body, but there seemed to be no foundation for this belief. The charter of Charles 2 vests the election in the mayor and jurats, and such is stated to have always been the practice in an authentic history of the town. The present recorder was elected in 1807. He is a chancery barrister and a King's counsel, residing in London.

Common Council, admission to.

10. There is no election for the office of Common Councilman. All persons, who have served either of the offices of land treasurer or water treasurer for a whole year, succeed in rotation upon vacancies to the common council. They are sworn into office as a matter of course. This has been the practice as far back as is known. All the present common council are resident except one, who lives at Ramsgate: he is an officer in the custom-house there.

Other Officers, election of.

11. All the officers following in this section are elected annually at common assemblies by the whole body of the corporation, including the freemen. Persons become candidates by offering themselves; this is done every year. Instances have occurred of freemen proposing candidates, who have not been present, but no election was come to until it was ascertained from the persons named that they were willing to take the office. The candidates must be freemen.

Land Treasurer and Water Treasurer.

The Land Treasurer and Water Treasurer are elected on a given day after the election of mayor. Each of them, on his first election, gives to every freeman, who chooses to take it, 1 *s.* He also gives a refreshment to the mayor, jurats and common council. These expenses amount to about 20 *l.* On this account it constantly happens that no new candidate offers himself

himself for the office. When this is the case the mayor generally asks either the officer of the preceding year to continue, or some common councilman to offer himself as a candidate, it not being usual for persons on a second election to be at any expense. A freeman stated that he and another freeman had once offered themselves for these two offices, on an understanding that they should not incur any expense, and that they should resign if any persons could be found willing to give the usual gratuities. After these two persons had been sworn into office, the freemen induced two others to come forward upon the customary terms. The former two resigned their offices, and the two latter were elected into them. It was stated that the mayor and jurats had no means of putting an end to this system, for if persons were to offer themselves as candidates on the principle of incurring no expense, the freemen would always induce some person to offer himself who had served the office before. The refreshment given to the mayor, jurats and common council is not of an expensive kind, and is nearly a matter of form as far as they are concerned; but as the freemen always have the remains of it, there would be a great dissatisfaction at the discontinuance of this custom. The present land treasurer and water treasurer are both members of the common council.

Town Clerk.

The Town Clerk is always re-elected. Only one instance is known of any competition after the first election. The instance referred to took place in 1832, when there was an opposition to the present town clerk, and a contest, in which he had a large majority of votes. He was water treasurer when first elected town clerk, and is so at present; he is also a member of the common council. The preceding town clerk had a grant of the office for life, under the corporation seal, and merely took the oath of office every year. The town clerk seems always to have been an attorney. The present town clerk was first elected in 1831; he is a practising attorney residing within the town. He gave half-a-crown on his first election to every freeman, who asked for it, which created an expense of above 20*l*. He gave nearly the same sum on his election after the contest in 1832; but on the latter occasion he considered this more a matter of option than on the former.

Common Wardman.

The Common Wardman is always re-elected. He gives no gratuities on election.

Serjeants, Crier, Beadle.

The three Serjeants at Mace, the Crier and the Beadle are always re-elected. The present officers have all held their situations for several years.

Keepers of the Common Chest, appointment of.

12. The Keepers of the Common Chest are appointed at a common assembly of the whole body of the corporation. The same persons are always re-appointed; the town clerk reads over the names of these officers, and asks whether any one objects to them; no objection is ever made, and the names of the same persons are entered. When a vacancy occurs, any freeman may propose another; the mayor usually suggests a name, which is generally agreed to, the appointment seldom exciting any interest. A contest, however, took place on one occasion. The officers always are, the mayor, a jurat and a common councilman.

Auditors of Accounts, election of.

13. The Auditors of the Accounts are, the mayor, two jurats, three common councilmen and three freemen. The same persons are generally re-elected, the election being nearly matter of form. It is conducted in the same manner, and at the same time, as the appointment of keepers of the common chest mentioned in the preceding section.

Other appointments.

14. The appointment to the following offices takes place annually as a matter of form, the town clerk reading the names at a common assembly, and asking if any one has an objection, as mentioned in the appointment of keepers of the common chest. The same persons are always re-appointed.

Wardens of Orphans.

The Wardens of Orphans.

Wardens of Flesh and Fish Markets.

The Wardens of the Flesh Market. These are generally respectable butchers.
Wardens of the Fishmarket.

Conservators of the Delf.

Conservators of the Delf.

Inspector of Sewers.

Inspector of Sewers.

Gauger of Casks.

Gauger of Casks.

Coal Meter.

Coal Meter.

Bridge Sweeper.

Bridge Sweeper. This is an appointment under the Bridge Act, mentioned in sect. 58.

Tenant of Beacons, appointment of.

15. An entry is annually made in the book of proceedings, on the day of election of officers, of the letting of the Beacons to some person for a nominal rent of 1*d*. The meaning of this will be given in sect. 43.

Bailiff, appointment of.

16. The Bailiff is appointed annually by the mayor and jurats under the provisions of the Gaol Act mentioned in sect. 51. The office is an ancient one. Three days notice of the election is to be given to each jurat. The bailiff is to be a resident householder, and either a jurat, common councilman or freeman. A common councilman generally holds the office.

Gaoler, appointment of.

17. The Gaoler is appointed by the mayor and jurats, under the provisions of the Act mentioned in sect. 51.

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Fees.

18. No Fees are paid on the admission to any of the above offices.

Fines.

19. There are several Fines directed in the customal to be paid on the refusal to take some of the offices, but none have been exacted within the memory of any one.

Freemen, admission of.

20. The Freedom may be required by birth, marriage, apprenticeship, purchase of a frank tenement or gift.

By Birth.

Every son of a freeman, born within the town and port after the father has been admitted, is entitled to his freedom at the age of 21. Birth within the hospital of St. Bartholomew, or in any of the liberties out of the town of Sandwich, does not entitle a person to the freedom. 133 freemen by birth have been admitted within the last 10 years.

By Marriage.

Every person who has married the daughter of a freeman, she having been born under the circumstances mentioned in the account of the preceding class of freemen, is entitled to his freedom at the age of 21. The wife must have attained the age of 21 before the husband can be admitted. If the wife die, the husband is still considered a freeman. If the husband die, the wife cannot enfranchise a second husband. If, however, the first husband have not taken up the freedom, the second is entitled to his freedom. If the first husband of a free-woman be a freeman in his own right, the second husband is entitled to his freedom by marriage. Ninety-one freemen by marriage have been admitted within the last 10 years.

By Apprenticeship.

Every person, who has served an Apprenticeship of seven years to a freeman resident within the town, is entitled to his freedom at the age of 21. The service need not be within the town. It was stated that the freeman must be resident during the term, but that, if the service required him to be absent from the town for any portion of it, his home would be considered to be within the town, and he would be entitled to the freedom. The master may lend the services of his apprentice to any one, but the latter is required to be resident within the town. Some of the freemen thought that the person to whom the apprentice is transferred need not be resident within the town. The indenture must be enrolled before admission to the freedom. There is no time limited for this, but the enrolment generally takes place soon after the execution of the indenture. A fee of 2*s.* is paid to the town clerk for the enrolment. In case of the death of the master it was thought that service to the widow for the remainder of the term would not entitle the apprentice to his freedom; but in some such instances the freedom has been given to the apprentice. The master must have taken up his freedom before the commencement of the service; but the freedom has been given to an apprentice whose master did not become free until two years after the commencement of the service. Twenty-five freemen by apprenticeship have been admitted within the last 10 years.

By Purchase of a Frank Tenement.

Every person who is seised by purchase of an estate in fee simple of a Frank Tenement, that is, one which is not subject to a fee-farm or quit-rent, within the town of the value of 5*l.*, is entitled to his freedom, if he have been an inhabitant householder within the town for a year and a day. It is not necessary that he should have been in possession of the estate for any definite period. No instances were known to have occurred of persons applying for the freedom whose estate was mortgaged; but it was thought that a mortgage would defeat the freedom. It was not known whether or not an estate by descent or devise would confer the freedom. No instances of application for it on either of these titles are remembered. The person, who intends applying for this freedom, is required to send the title-deeds of the estate to the town clerk a few days before the holding of the common assembly. If he report that they are satisfactory, the person is admitted, unless some doubt be thrown upon the value of the tenement, in which case he is required to produce evidence of its value. If a person cease to reside within the town after admission, the freedom is not lost; if resident within seven miles he may vote for Members of Parliament under the recent Act. If a person part with the estate, he is disfranchised. If the name of a disfranchised person were not struck off the poll-book previously to the election of mayor, his vote would be received, although the disfranchisement were known before he tendered his vote; it would, however, be received as a doubtful vote, and any candidate would be at liberty to dispute it afterwards. When a disfranchisement is known, notice is given to the person to show cause, at a common assembly, why his name should not be struck out of the poll-book. This freedom seems to have fallen into disuse up to the year 1818. In that year some persons applied to be admitted on this qualification, and were refused. They then applied to the Court of King's Bench for a mandamus, and the corporation, in order to stop this proceeding, admitted them. Since that time constant admissions to this freedom have taken place. Twenty-two freemen, by purchase of a frank tenement, have been admitted within the last 10 years.

By Gift.

The presentation of the freedom has usually been intended as a compliment. The freedom was given to six individuals, in 1825, who had interested themselves in a project for making a harbour near the mouth of the river. It has usually been given to the candidates for the representation of the town in Parliament. Instances were mentioned, in the account of the freedom by apprenticeship, where it had been given. Eleven freemen by Gift have been admitted within the last 10 years.

It may be noticed that no freeman was admitted in the year 1833. This was accounted for by the alteration in the right of voting for Members of Parliament made by the Reform Act.

The

The fees paid on Admission are as follows:

		d
By birth:	Fee to town clerk	6
	Fee to common wardman	2
		8

Expense of Admission.

			s.	d.
By marriage, apprenticeship and gift:	Fee to corporation		3	–
—	Fee to mayor		1	–
—	Fee to town clerk		3	6
—	Fee to common wardman		2	4
			9	10

By purchase of frank tenement, the fees are the same, with the addition of a fee of 13*s.* 4*d.* to the town clerk for inspecting the title-deeds.

The fee to the corporation is a contribution towards purchasing buckets for the fire engine.

The stamp on each admission by birth, marriage and apprenticeship is 1*l.*; on each of the others, 3*l.*

Governing Body.

21. The whole affairs of the corporation are managed at common assemblies, consisting of the mayor, jurats, common council and freemen. The three former bodies exercise no powers whatever independently of the freemen, except the right of election in the cases already mentioned. The mayor convenes a common assembly when he thinks necessary. Three days notice of the assembly is given to each of the jurats and common council; the freemen are informed of it by the blowing of a horn round the town early in the morning of the day on which the common assembly is held. By a bye-law, three weeks notice of a common assembly for electing a jurat or conferring a freedom by gift is necessary, and the notice must specify this object. When any business, which excites an interest, is to be done at one of these assemblies, about 150 freemen generally attend.

Constitution of the Governing Body.

22. The constitution, as will have been seen, is of the most popular nature. No inconvenience has been ever experienced from the share which freemen take in all the affairs of the corporation. The admissions to the freedom are determined upon a fair consideration of the claim to it, and, in the letting of property and expenditure of the funds, there is no wish for partiality, or indisposition to apply money to the public benefit of the town. It is not found that the higher and lower grades of the corporation come into collision in the determination of such matters.

Mayor, functions of.

23. The Mayor, or his deputy, must be present at all common assemblies. He is also expected to manage the property of the corporation, and has a discretionary power to give orders for whatever may be necessary. When any considerable outlay is requisite, he obtains the order of the court of assembly. He is a justice of the peace within the town and liberties. He is expected to take the principal part of the business requiring a justice.

He presides at the general sessions: it is usual for him to pass sentence of death on capital convictions. He regularly attends the petty sessions, which are held once in the week.

He is visiting magistrate of the gaol.

He presides at the court of record, but a court has very seldom been held for trials of late years.

Coroner.

He is coroner within the town and liberties. These include the parish of Deal, but, as the corporation of Deal have the jurisdiction of coroner, the mayor of Sandwich does not hold inquests there. The town clerk, or his clerk, always attends inquests along with the mayor, and conducts the proceedings. There were 16 inquests last year, but this was considered an unusually large number, from 10 to 12 being the average. A majority of them occurs at Ramsgate.

The mayor is a commissioner of the court of requests, mentioned in section 49.

He is a commissioner under the Pavement Act, mentioned in sect. 47.

He is a commissioner of the court of Lodemanage, and of the courts of Brotherhood and Guestling, mentioned in the Introductory Report on the Cinque Ports.

He is a commissioner of land and assessed taxes.

He is a commissioner of sewers for the eastern division of the county.

He is one of the governors of St. Bartholomew's and also of St. John's Hospital. These are two sets of almshouses. The mayor is allowed the privilege of naming persons for the vacancies, which happen during his year of office.

A considerable portion of time is occupied in the duties of the office.

He has a salary of 40*l.* He receives an additional sum of 10*l.*, which is called the mayoress' payment, being a composition in lieu of the privilege, which she used to have in former times, of naming two persons for admission to the freedom.

He receives 13*s.* 4*d.* for every inquest which he attends, and his travelling expenses of attending inquests out of the town.

His fees on admission to the freedom were given in section 20, they amount to a very trifling sum.

He receives 5*s.* for affixing the corporation seal to documents for authentication: there are not above two in the year on an average.

He is expected to give two dinners in the year, one on coming into office, and the other on going out.

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He pays 6 *s.* 6 *d.* every week to the five officers who attend him on Sunday: this amounts to 16 *l.* 18 *s.* in the year. He gives dinners to these persons on coming into office and going out, which cost 2 *l.* 14 *s.* in the year.

He has also frequent calls on him for trifling payments.

The expenditure always exceeds the salary. It was stated that some mayors had incurred an additional expense of 100 *l.* to 150 *l.*

Jurats, functions of.

24. The Jurats are justices of the peace for the town and liberties.

They are commissioners under the Court of Request Act, and the Pavement Act.

They are also commissioners of land and assessed taxes.

They are governors of the two hospitals of St. Bartholomew and St. John.

They have no emoluments.

Recorder, functions of.

25. The Recorder is a justice of the peace for the town and liberties, but he never acts as such except at the general sessions. These he always attends, and conducts the business.

He is a commissioner under the Court of Requests and Pavement Acts.

He has an allowance of 28 *l.* 7 *s.*, being 9 *l.* 9 *s.* for each sessions. If the sessions last above one day, he is allowed 5 *l.* 5 *s.* for the second day. It is paid out of the liberty rate.

Common Council, functions of.

26. The Common Council have no functions beyond those mentioned in describing the constitution of the corporation. They have no emoluments.

Land Treasurer, functions of.

27. The Land Treasurer receives all the income of the corporation, and makes all the payments. The water treasurer pays over his receipts to him. If the land treasurer have served the office before, the corporation pay something to the common wardman to collect the quit-rents for him, but he is considered responsible for the amount collected. The rents are reserved at Easter and Michaelmas, and the treasurer's year is considered to end in the early part of December, but the accounts are carried on until all the income has been collected and the payments have been made. This is generally the early part of the succeeding year. The audit ought then regularly to take place, but the accounts sometimes run on through another year before they are audited. Eight days notice of the audit must be given to each of the auditors; but no particular number is required to pass the accounts. The accounts are signed by such of them as attend, and their signature is a full discharge to the land treasurer. The balances are generally in favour of the corporation; the land treasurer makes no allowance for interest, but the town clerk stated that he was out of pocket when land treasurer, by having to make payments before he had received the money for them.

The land treasurer has so salary.

Water Treasurer, functions of.

28. The Water Treasurer has to collect the mast-money. This is a charge upon each vessel moored at the town-quay: the charge is at the rate of 1 *s.* for each mast. It is not made upon vessels which hail from the port of Sandwich. The water treasurer always employs one of the serjeants at mace to make the collection, who is allowed by the corporation 2 *d.* in the shilling upon the sum collected.

The water treasurer has no salary or emoluments.

Town Clerk, functions of.

29. The Town Clerk attends at the common assemblies, and enters the proceedings; he makes out the freedoms. He is clerk of the peace, and performs the usual duties, such as making out the precepts for summoning the juries for the general sessions, and preferring the bills of indictment. He is clerk to the justices.

He is the officer of the court of record; as such he makes out the process and taxes the costs. He is an admitted attorney of this court, and occasionally brings actions in it.

He, or his clerk, attends all inquests as the mayor's adviser, at which he takes the evidence and directs the jury. He usually enters and makes out the year's accounts of the corporation, for which he makes a charge, amounting to about 3 *l.* 3 *s.* annually.

The town clerk has generally been treasurer for the liberty rate, mentioned in sect. 50.

He is also treasurer of the bridge fund

He has a salary of 20 *l.*

He has a fee of 13 *s.* 4 *d.* upon each inquest at which he attends, and charges 2 *s.* for each witness whose evidence he takes. His travelling expenses for inquests out of the town are allowed him. These charges are paid out of the liberty rate.

His fees upon the admissions to the freedom were mentioned in sect. 20.

He has a salary of 10 *l.* 10 *s.* as treasurer of the liberties, and of 5 *l.* 5 *s.* as treasurer of the bridge fund.

He has usually received 10 *l.* 10 *s.* from each Member returned to Parliament for the town, out of which he has had to pay the stamp duty.

He has a professional bill every year upon the corporation. In ordinary years, when there have been no legal proceedings, this bill does not exceed 8 *l.* or 10 *l.*

Common Wardman, functions of.

30. The Common Wardman is the general servant of the corporation in whatever relates either to their own property or to the affairs of the town. He also attends upon the mayor. He is the high constable, to whom the precept for levying the liberty rate within the town is directed. He gives information of the repairs which are required, and superintends the workmen, who are employed. The constables and deputy constables are considered to be under his order. He summons all the juries. He usually collects the rents for the land treasurer, for doing which he has a small allowance. He is employed by the mayor and jurats to superintend the labourers engaged in clearing the channel of the river, putting down the posts and repairing the banks and beacons. For this he is allowed the same as one of the labourers, and receives about 7 *l.* or 8 *l.* a year on the average.

He

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He is messenger to the commissioners under the Pavement Act, and has an annual allowance from them of 4 *l.*

He has a salary of 10 *l.* as common wardman. He receives 1 *s.* 6 *d.* a week from the mayor. This is a voluntary payment and has sometimes been refused. He has fees for attending common assemblies and courts of record, amounting to about 2 *l.* 8 *s.* in the year. His fees upon admissions to the freedom were mentioned in sect. 20; they amount to a very trifling sum. He has a livery every year.

Serjeants at Mace.

31. The three Serjeants at Mace have the usual duties of attending upon the mayor, and at the common assemblies, and courts of general sessions and of record. Two of the serjeants at mace are sworn as constables; they have salaries of 5 *l.* each. The serjeant at brazen mace has a salary of 3 *l.* They each of them receive 1 *s.* 6 *d.* a week from the mayor, and have fees for attending the courts, amounting to about 2 *l.* 8 *s.* in the year. They have liveries occasionally.

Crier, functions of.

32. The Crier proclaims all the courts. He has no salary. He is paid for crying by those who employ him, and earns 4 *l.* or 5 *l* in the year.

He takes care of the market, for which he receives a trifling sum from the butchers who attend it.

The present crier is serjeant at brazen mace.

Beadle, functions of.

33. The Beadle has the usual duties of such a functionary. He also attends upon the mayor, and at the common assemblies and courts. He has a salary of 7 *l.* 13 *s.* 4 *d.* He receives 6 *d.* a week from the mayor, and has fees for attending the courts, the same as the serjeants at mace. He has a livery once in three or four years. He is also inspector of sewers.

Keepers of the Common Chest.

34. The Keepers of the Common Chest keep the keys of the chest containing the muniments of the corporation. They have no emoluments.

Auditors of Accounts.

35. The Auditing of the Accounts was noticed in sect. 27. The auditors have no emoluments.

Wardens of Orphans.

36. The duties of the Wardens of Orphans have long been obsolete. The nature of them may be collected from the title. They have no emoluments.

Wardens of the Flesh and Fish Market.

37. The duties of the Wardens of the Flesh and Fish Markets are nearly nominal. Instances, however, sometimes occur of the former seizing unwholesome meat. They have no emoluments.

Conservators of the Delf.

38. The Conservators of the Delf are expected to prevent any nuisances to a stream of that name which runs through the town. They have no emoluments.

Inspector of Sewers.

39. The Inspector of Sewers keeps clear the channels and sewers of the town. He has no salary. The same person is beadle.

Gauger of Casks.

40. The Gauger of Casks, previously to the recent Act, had to test the measures used within the town. This duty is now performed by the common wardman as chief constable.

The gauger has a salary of 10 *s.*

Coal Meter, functions of.

41. The Coal Meter is never called upon; his functions have become quite nominal, each merchant employing his own meters.

He has no salary or emoluments.

Bridge Sweeper.

42. The Bridge Sweeper has a salary of 10 *l.*, paid out of the bridge fund.

Tenant of Beacons.

43. The corporation have immemorially kept up beacons at the mouth of the river Stour; as the channel is frequently changing, it is necessary that constant attention should be paid to them. A nominal rent is paid by some waterman for the beacons, the object of which is to insure him the employment of changing the position of them and keeping them in repair. He is paid according to the time he is employed. The same person has a salary of 7 *l.* 10 *s.* for taking care of a boat belonging to the corporation.

Bailiff, functions of.

44. The functions of the Bailiff are analogous to those of a sheriff. The precepts for summoning juries are directed to him, as are all writs out of the court of record. All control over the gaol is taken from him by the Act mentioned in sect. 51. He has no salary, but receives the usual sheriff's fees, which amount to an inconsiderable sum.

Gaoler, salary of.

45. The Gaoler has a salary of 100 *l.* a year, paid out of the liberty rate. He has no other allowance or emoluments.

Freemen, privileges of.

46. The Freemen, in common with those of all the Cinque Ports, are exempt from tolls throughout the kingdom. Before the Reform Act, the freemen had the exclusive privilege of voting for Members of Parliament for the town. They have no privileges within the town above the other inhabitants. Vessels hailing from the port of Sandwich do not pay harbour dues at Ramsgate.

Jurisdiction of Corporation.

47. The courts by which the Corporation exercise Jurisdiction are, the court of general sessions, the petty sessions and the court of record. This jurisdiction extends over the

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whole of the liberties, including the parish of Deal, but it is not exercised in the latter in cases in which the corporation of Deal have jurisdiction, nor in the parish of Brightlingsea, which is now under the county jurisdiction.

General Sessions.

The General Sessions are held at regular periods three times in the year, before the mayor, recorder and other justices. They have jurisdiction in capital felonies. The recorder always attends. The precept for summoning the juries is directed to the bailiff. He keeps a book containing the names of householders in the different parishes and places within the liberties, including Deal. The names have not been furnished by the parish officers, but each bailiff has inserted the names of such persons as he might happen to hear of as qualified for the duty. The list contains, probably, all the persons in the town of Sandwich thought to be fit for jurymen, but must necessarily be very defective as respects the other places within the liberties. Complaint was made by householders of Deal, on my visit to that place, that they had been called upon to serve more frequently than they ought to have been. One person had been summoned six times in less than 10 years, and had served on two successive sessions. It was stated also, that a large number of householders in Deal, who were well qualified for the duties of jurymen, were never called upon. The persons selected for the grand jury are usually the higher class of tradespeople, common councilmen and others in the upper grade of society; those for the petty jury, the smaller shopkeepers and publicans. The names for the two juries are kept separate in the book. They are taken in rotation, the times of service of each person being marked opposite his name. The names from each place are taken in certain proportions: those from Deal being few in comparison of the population of that place, from the consideration that the inhabitants of it have to serve on the juries of their own borough sessions. Thirty-six persons are summoned on each jury; this number is not greater than what will ensure the attendance of 24 for each. The turn comes round for the grand jury in rather less, and for the petty jury in rather more, than two years. When the names of the grand jury have been read over, the mayor appoints one of them to be foreman. The grand jury occasionally inspect the gaol. Some years ago they used to examine the weights and measures used in the shops, but this has been discontinued, and the duty seems now not to be done by any one. They are allowed 2 *l.* 14 *s.*, and the petty jury 3 *l.* 3 *s.*, each sessions out of the liberty rate for a dinner. The town clerk is clerk of the peace and of indictments.

The following was the number of persons, for trial, convicted, and transported, in three successive years, and the expenses allowed.

YEARS.	For Trial.	Convicted.	Transported.	Expenses.
				£. s. d.
1830 - -	12	5	1	36 - 10
1831 - -	17	10	1	75 - 3
1832 - -	14	10	3	108 5 2

Two of the prosecutions in 1830 came from Deal, and the expenses of them are not included, as they were not paid out of the Sandwich liberty rate.

Barristers generally attend; they are not usually employed in prosecutions, except in important cases. When they are employed, their fee is allowed out of the liberty rate. When they are not employed, the recorder examines the witnesses from the depositions. The costs of court have been made as near as could be to the costs at the county sessions. It was thought that the costs of a prosecution for an offence in the town, with three witnesses, and without counsel's fee, would average about 3 *l.* 3 *s.* Appeals against poor-rates and orders of affiliation are sometimes tried. There was one appeal tried in 1830, and three in 1832.

Petty Sessions.

The Petty Sessions are held every week: two magistrates always attend, if required.

Court of Record.

The Court of Record is held every three weeks. The judges of it are, the mayor, recorder and jurats. This court is supposed to be derived from the Cinque Ports' charters. It has cognizance of all actions, real, personal and mixed, and is unlimited in respect of the amount of debt or damages recoverable. A power of arrest is exercised. There are entries in the books of actions of ejectment. The town clerk is the prothonotary of the court. The bailiff is the officer to whom the process is directed; he summons the juries. The court is not generally used. There were seven writs sued out of it during the year 1833, one of them was for a sum of between 200 *l.* and 300 *l.* Five of these were settled by the parties; in the other two, there was judgment by default and execution against the goods: in one of the cases the goods being insufficient to satisfy the amount of the judgment, there was also execution against the person, under which the defendant was imprisoned until discharged under the Insolvent Debtors' Act. In the event of the defendant pleading and issue joined, the action would be carried on by continuances until the general sessions, in order that the recorder might be present at the trial. There has been no trial for some years. Writs of inquiry to assess damages have been held before the mayor and jurats. There is no table of costs: the town clerk stated, that he allowed the same fees as were allowed in the court of King's Bench. The costs of an action of debt on judgment by default amount to about 6 *l.* The common wardman executes the process. Attornies are admitted of the court, and no others are allowed to practise in it. There are at present four admitted, including

ing the town clerk; one of them resides at Ramsgate. The town clerk himself brings actions in the court; this seems to have been the practice before the present town clerk came into office, but it is liable to great objections.

There are 12 constables and 12 deputy constables appointed annually by the justices. They are selected from the householders, and, as the office is not disliked, the same persons are generally re-appointed. Half of each of these bodies attend the general sessions, for which attendance each person is allowed 2 *s.* 6 *d.* Police.

Provision is made for watching the town by an Act of Parliament, 27 Geo. 3, c. 67, The Act is also for paving, cleansing and lighting the town, for preventing nuisances on the highway, quay and bridge, and for regulating the passage and mooring of vessels in the river. The commissioners under it are the mayor and jurats, and Members of Parliament for the town, the recorder, the vicars of the three parishes, and other persons elected. The qualification for all the commissioners, including the official ones, is residence within the town and port, and the possession of a real estate within one of the parishes of the annual value of 10 *l.*, or of personalty to the amount of 400 *l.* The vacancies in the unofficial commissioners are to be supplied by the election of others by the remaining commissioners. Seven are a quorum for meetings. There is a duty granted of 1 *s.* the chaldron or ton upon all coals, coke or cinders, imported or landed within the town, or carried through it. This duty does not attach upon coal passing up the river, or removed from the ships into lighters within the jurisdiction of the port, if not landed. Watching and Paving Act.

The commissioners are also authorized to levy a rate of 6 *d.* in the pound on the annual value, upon the owners of houses and buildings within the town. This is in fact calculated upon the poor-rate assessment. The commissioners have a weighbridge, for the use of which they charge 1 *s.* a ton upon the loads weighed. These three sources produced the following income in the year ending October 1832; the accounts of the succeeding year were not entered in the general account-book:

	£.	*s.*	*d.*
Coal duty	410	–	3
Weighbridge	19	–	6
Rate	49	11	–
£.	478	11	9

There are no watchmen at present, some have been occasionally employed; the inhabitants stated, that there was no necessity for any. The lighting is by oil lamps, and costs nearly 100 *l.* in the year. There is a debt of 3,700 *l.* on mortgage of the rates and duties, upon which interest at 5 per cent. is paid. A very trifling portion has been paid off within the last few years. The clerk has a salary of 5 *l.* 5 *s.*, the treasurer of 5 *l.* 5 *s.*, and the messenger of 4 *l.* After payment of these expenses, the remainder is expended on the pavement. The income was stated to be insufficient for the objects of it.

48. The whole of the town is included within the present Jurisdiction, which requires no Extension. Whether the Jurisdiction requires extension.

49. A Court of Requests for debts not exceeding 5 *l.* is held in Sandwich for the parishes of that town and several neighbouring parishes, under the provisions of an Act 47 Geo. 3, sess. 1, c. xxxv. There are, however, some intervening parishes not under the operation of the Act, in consequence of their having refused to contribute to the expense of obtaining it. The mayor, jurats, recorder and town clerk, are commissioners, as are also the deputies of Walmer and Sarr, and 60 inhabitant householders of the parishes within the operation of the Act. The qualification required of the commissioners, including the official ones, is the possession of a real estate of the annual value of 50 *l.*, or of personalty to the amount of 1,000 *l.* On the death, or refusal to act, or disqualification, of commissioners, the remaining commissioners are to elect others. There are at present about 30 of these commissioners: they are all resident in the town of Sandwich. Some of the jurats have not qualified. A court is held once in the month. Three commissioners constitute a court for debts of 40 *s.* and under; for debts above that amount, five are requisite. There is frequently some difficulty in procuring the attendance of commissioners, but no court has ever gone off from want of a sufficient number. Debts relating to the title to lands, or arising from wills, and others specified, are excepted out of the operation of the Act. Court of Requests.

The following was the number of summonses, and executions against the body and goods, and the amount for which execution issued, in three consecutive years:

YEARS.	Summonses.	Executions.		Amount for which Execution issued.
		Body.	Goods.	
				£. *s.* *d.*
1830	331	38	6	94 12 7
1831	267	39	5	97 19 9½
1832	277	52	5	89 17 2

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The debt is frequently settled before the execution is enforced. Not more than three or four defendants in the year go to prison. The period of imprisonment under the Act varies according to the amount of debt, the maximum being 100 days. Persons have occasionally remained this time in prison. The number of actions has diminished within the last three or four years, which is supposed to have arisen from less willingness in the tradespeople to give credit. There is a schedule in the Act containing the clerk's and serjeant's fees. The costs of an action, arising within the town of Sandwich, with execution, amount to about 12 *s.* When summonses have to be served out of the town, 3 *d.* a mile is charged by the serjeant. The amount of the clerk's fees in the year were estimated by the serjeant at not so much as 40 *l.* and his own at 25 *l.* The court was generally considered to be efficient and useful.

Liberty Rate.

50. A Rate in the nature of a county rate is imposed upon the town and each of the liberties, except Deal and Brightlingsea, by the justices at the general sessions. It was thought that this species of rate had existed for 40 years. The most usual rates are calculated at 1 *d.* or 1 ½ *d.* in the pound, on the annual value of the property within the liberties, but the justices' order states merely the sums to be levied from each district. Rates to the amount of 5 *d.* or 6 *d.* in the pound are levied every year. Three or four years ago, returns were furnished to the justices by the overseers of the different parishes and villes, of the actual value of the property within their respective districts. This took place on account of an appeal against the inequality of the rating upon them, in consequence of the poor-rate assessment, upon which the rate was calculated, not being the same in all. An average of the number of uninhabited houses in each district is also taken every year. The value of them being subtracted, the sum required by the liberty is apportioned upon the districts according to the value of the property remaining, and paid by the overseers out of the poor-rate. A rate of 1 ½ *d.* produces about 290 *l.* The receipts from July 1831 to July 1832 from the rate, together with a sum of 14 *l.* 18 *s.* 6 *d.* from fines and penalties on summary convictions, amounted to 1,024 *l.* 6 *s.* 6 ½ *d.* In the succeeding year, the penalties and fines were 11 *l.* 10 *s.*, the treasurer had a balance in hand from the previous year of 120 *l.* 2 *s.* 10 ¾ *d.*, and the whole receipts, including these, amounted to 1,120 *l.* 16 *s.* 9 *d.* The account of expenditure seems to contain the usual items, the largest of which in the year ending June 1833 were, the gaol, 259 *l.* 11 *s.* 1 ¼ *d.*; prosecutions at sessions, 188 *l.* 13 *s.* 2 *d.*; salaries, 170 *l.*; debt paid off, 100 *l.*; interest on the debt, 78 *l.* 2 *s.* 6 *d.*; expenses of special constables at an election, 43 *l.* 16 *s.*; coroner's inquests, 18 *l.* 9 *s.* 1 *d.* The salaries paid out of the rate are the recorder's, 28 *l.* 7 *s.*; chaplain's, 28 *l.* 7 *s.*; gaoler's, 100 *l.*; treasurer's, 10 *l.* 10 *s.*; some arrears from the preceding year are included in the above account. The debt, for which the liberty rate was mortgaged, was 2,000 *l.* borrowed towards building a new gaol in 1829–30, which has been reduced to 1,700 *l.* by the annual payment of 100 *l.* pursuant to the Act, which payment, however, in one year was not made. A further sum of 1,675 *l.* 15 *s.* 1 *d.* was borrowed upon the credit of the bridge tolls, as will be mentioned in the next section.

Gaol.

51. The present Gaol was built in 1829–30, under the provisions of an Act 10 Geo. 4, c. cv. Before the passing of this Act, the bailiff had the keeping and maintenance of the gaol out of the rents of certain lands and the emoluments of office. The Act vests the office of bailiff, the gaol, and the lands previously belonging to the bailiff, in the mayor and jurats, who are annually to appoint some jurat, common councilman or freeman, being a resident householder, bailiff. The bailiff is not to be gaoler. The Act then enacts, that the gaol shall in future be maintained and kept out of the liberty rate, and authorizes the mayor and jurats to purchase land, and to build a new gaol, with certain specified accommodations. The bailiff's lands and the old gaol were to be sold, and the proceeds to be applied in payment of the expenses of the Act, and towards the building of the gaol. There is power to charge a further sum of 2,000 *l.* upon the liberty rate; and, if this should not be sufficient, the deficiency was to be paid out of the surplus bridge tolls, mentioned in sect. 58, by an annual charge not exceeding one-third of the annual surplus. There is power given to borrow money upon mortgage of this proportion of the surplus toll. These provisions of the Act have been complied with, and 1,675 *l.* 15 *s.* 1 *d.* was borrowed upon mortgage of the tolls, none of which has been paid off. When this money was borrowed, it was understood that 100 *l.* should be paid off every year. The surplus, after paying the interest, has been applied to paying off tradespeople's bills, incurred in the building and fitting up of the gaol, who were asked to give time, in order that the liberty might not have to borrow a larger sum of money. The balance in hand at present is very trifling, but it was expected that in future years a substantial sum would be set aside for paying off this debt. The full sum of 2,000 *l.* was borrowed upon mortgage of the liberty rate, as mentioned in the preceding section. The mayor and jurats are to appoint the gaoler and other officers, whose salaries are to be paid out of the public funds of the town.

The new gaol has been built in accordance with the directions of the Act, and the arrangements of it are exceedingly good. It is clean and airy, and possesses ample means of classification of prisoners. The manner of doing this, and of employing the prisoners seem very judicious. There is a treadwheel, but the power is not turned to any use, the number of prisoners not being sufficient for this purpose. The number of prisoners in the gaol at different times during the course of the year 1833, was 109.

Poor.

52. Each of the three parishes of the town maintains its own Poor. The annual rating in St. Peter's is about 10 *s.*, in St. Mary's 8 *s.*, and in St. Clement's 6 *s.* in the pound, but the assessments are not equal. Those in St. Peter and St. Clement are on two-thirds the real value, and that in St. Mary on one-half or two-fifths.

53. The

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53. The corporation has the presentation, alternately with the Archbishop of Canterbury, to the rectory of St. Peter's. They are also the patrons, governors and visitors of the hospitals of St. Bartholomew and St. John. These are sets of almshouses, and it is the practice for the mayor to appoint to any vacancies which happen during his year of office. Patronage.

There is an endowed Grammar School within the town. The master is appointed by the corporation and Lincoln College, Oxford, jointly, the latter body nominating two persons, out of whom the corporation select one. There are no free scholars there at present, the reason being, that nothing but Greek and Latin are taught gratuitously. The master's salary is 43*l.*, with a house and garden. The present master takes one or two private pupils. School.

54. There are 29 licensed public-houses in the town, 19 of which are in the hands of brewers, but there is no great monopoly by any particular brewer, nor is there any brewer amongst the jurats. Licences.

55. The general Market is held once in the week, no stallage or other tolls are taken. There is a large corn market every week, and a large cattle market every fortnight. Tolls are taken at the latter. They are considered to be prescriptive tolls, but there is no table of them. They are let on a lease of seven years at a rent of 10*l.* 10*s.* Half the tolls used to belong to the bailiff, and have, since the passing of the Gaol Act, been applied to the gaol expenses, pursuant to the Act. Markets.

56. There is a Fair held every year, but it is of a very trifling description. Tolls are taken at it, half of which are applied to the gaol expenses, in the same manner as the cattle-market tolls; they amount to very little. Fairs.

57. The following Abstract will show the income of the corporation in two consecutive years: Revenue.

	1831.			1832.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
Rents	239	5	4	237	12	2
Quit Rents	8	10	11	8	13	9
Half Cattle Market Tolls	8	15	9	5	5	–
—— Fair Tolls	2	12	–	–	11	–
Mast Money	4	5	–	3	6	8
Bucket Money	2	11	–	–	15	–
Arrears of Rents, &c.	–	–	–	10	18	10
£.	266	–	–	267	2	5

The Rents are derived from land near the town, and from houses and buildings within it. This property seems to be fairly let, and is all of it at rack rent; indeed it was considered to be let above its value. There are two leases of 21 years each, but all others are for shorter periods. No fines have been taken within the last 30 years. In this item are included the rents of a small dock let at 12*l.* a year, and of the custom-house at 20*l.* Rents.

Nothing seems to be known of the origin of these Quit Rents, which have been immemorially paid. It was thought that they had been taken for encroachments on the streets or wastes. Persons are allowed to redeem them on paying 20 years purchase. Quit Rents.

The nature of the cattle-market and fair Tolls was mentioned in sects. 55 & 56. Tolls.

The nature of the payment called Mast Money was given in sect. 28. Mast Money.

The Bucket Money is a payment made by persons on admission to the freedom, and was intended for purchasing buckets for the fire-engine. Bucket Money.

The following is an analysis of the Expenditure for the same two years: Expenditure.

	1831.			1832.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
Salaries	91	3	4	101	3	4
Repairs	30	–	–	10	4	5½
Taxes and Insurance	7	12	9¼	14	1	8½
Interest on Debt	7	–	–	7	–	–
Contingencies	61	16	2½	63	19	7
£.	197	12	4	196	9	1

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Salaries. The different Salaries have been given in the account of the functions of the officers who receive them. The difference of 10 *l.* in this item in the two years is occasioned by only a half-year's salary of the town clerk appearing in the year 1831, he having died during that year.

Repairs. The Guildhall is considered to be a public building, and the Repairs of it are therefore generally charged upon the bridge fund mentioned in the next section. The expense of repairs in the present item was incurred upon the other property of the corporation.

Taxes. The item Taxes includes land-tax, the paving, and such other local taxes. The insurance is upon the Guildhall.

Interest on Debt. The permanent Debt of the corporation is 140 *l.*; besides which, there is an unpaid professional bill of the late town clerk. His bill had not been sent in to the corporation for many years, and at his death amounted to a large sum. £.200 of it has been paid, but there is still a balance remaining.

Contingencies. The Contingencies include the allowance to officers for attending the court of record, coals for the Guildhall, the mayor's postage of official letters, stationery and other small incidental expenses.

Balance. The Balance in the treasurer's hands at the end of the year has been applied to the reduction of the permanent debt. This has been nearly all paid off; so that, if no unforeseen cause of expenditure should arise, the corporation will soon have a disposable surplus income of 50 *l.* or 60 *l.*

Trust Property: Bridge Tolls. 58. The corporation are Trustees of the Tolls arising from a Bridge under the provisions of the Act 28 Geo. 2, c. 55. This Act authorized the corporation to build a bridge over the river at their own cost, and to take toll on all horses, carriages and foot passengers. The last-mentioned toll has been discontinued. Previously to the building of this bridge the hospital of St. Bartholomew had a ferry over the river, which, at the time of the Act passing, was leased at a yearly rent of 62 *l.* A table of tolls is given in the Act; but if these were not sufficient to pay the expenses of carrying the Act into execution, the wages of the persons employed to take care of the bridge, and an annual payment of 62 *l.* to the hospital in lieu of their ferry, the corporation were empowered to increase them. This was not found necessary. These tolls have since been reduced by a Road Act, 9 Geo. 4, c. lxxxv. A distinct account is to be kept of all sums received and paid under the Act, to which account all persons are to have access. Any surplus money, after defraying the charges above mentioned and the expenses of collection, was to be reserved until it amounted to 400 *l.*, which was to be invested by the mayor and jurats as a fund for the purpose of rebuilding or repairing the bridge. Any further sum beyond this 400 *l.* was to accumulate in the same manner, until it became sufficient to purchase lands of the annual value of 62 *l.*, to be settled on the hospital in lieu of the annual payment. After this should be done, all further surplus was vested in the corporation, to be laid out and applied in any public works for the advantage of the town, as the mayor, jurats and commonalty at a public meeting assembled should think proper.

The hospital charge of 62 *l.* has been paid off. The tolls are always let by auction on a lease of three years; the present annual rent is 451 *l.*, which is paid by monthly instalments. The annual charge upon it is, the wages of the bridge sweeper, the expense of lamps, the treasurer's salary of 5 *l.*, and the cost of repairs. The surplus after payment of these was, in 1830, 407 *l.* 16 *s.* 2 *d.*; in 1831, 319 *l.* 1 *s.* 3 *d.*; in 1832, 307 *l.* 2 *s.* 1½ *d.* One-third of the surplus is now applied to paying off the gaol debt, mentioned in sect. 51. The remainder is applied to the public purposes of the town, connected with the walks, the public stream and any other object, in which the inhabitants generally are interested. It is managed by the mayor under the control of the whole corporation, in the same manner as the revenues of the corporation.

Ramsgate Harbour Payment. 59. Under the provisions of the Ramsgate Harbour Acts, the titles of which are given in sect. 61, the commissioners of the harbour are to pay to the corporation of Sandwich 200 *l.* annually, for the purpose of keeping clear the channel of the river Stour within their liberty, repairing the banks, and keeping the river in a navigable state. The whole of this money is expended in these objects, and is frequently found to be insufficient. The mayor takes the principal management of this trust, the execution of which is superintended by the common wardman and the tenant of the beacons, who are paid out of the fund, in proportion to the time that they are employed.

Population and State of the Town. 60. The following tables give the population and number of inhabited houses of Sandwich, and the places within its jurisdiction, at four different periods.

	POPULATION. (a)				INHABITED HOUSES.			
	1801.	1811.	1821.	1831.	1801. (b)	1811. (b)	1821. (b)	1831. (c)
Sandwich — St. Mary the Virgin	641	829	914	952	504	517	546	189
Sandwich — St. Clement	731	744	777	912				161
Sandwich — St. Peter	1,031	1,110	1,160	1,220				227
Sandwich — St. Bartholomew's Hospital	49	52	61	52				18
Ramsgate (Ville)	3,110	4,221	6,031	7,985	639	785	1,063	1,354
Sarr (Ville)	169	186	191	200	30	30	39	39
Walmer (Parish)	775	2,154	1,568	1,779	114	360	317	343
Deal (Parish)	5,420	7,351	6,811	7,268	906	1,340	1,302	1,391
Brightlingsea (Parish)	- -	1,020	1,528	1,784	- -	- -	210	310

The number of 10*l.* householders, registered in the revising barrister's list for 1833, was,

In St. Mary	39
St. Clement	37
St. Peter	75;

this does not include all the 10*l.* householders who are freemen. The number of houses worth 10*l.* was estimated by the Boundary Commissioners at 313.

The town is very dull, and has little or no trade of any kind. The best houses let for about 35*l.*, and many of them are uninhabited. There are two or three tan-yards in full employ, and in the course of the year a good deal of wool is sorted and sent off to various parts. A project has long been entertained of making a harbour near the mouth of the river, and shortening the navigation to Canterbury by means of canals. This would benefit Sandwich greatly, but there seems to be no probability of its being carried into execution.

61. The following are the titles of the Local Acts, relating to the town. Local Acts.

28 Geo. 2, c. 55, (Public). An Act for building a Bridge over the Water or Haven between the Town of Sandwich and the opposite shore, in the County of Kent.

27 Geo. 3, c. 67, (Public). An Act for the better repairing, paving, cleansing, lighting and watching the Highways, Streets and Lanes of and in the Town and Port of Sandwich, in the County of Kent, and in the several parishes of St. Peter the Apostle, St. Mary the Virgin, and St. Clement, in the said Town, Port and County; and for removing and preventing incroachments, nuisances, obstructions and annoyances, in the said Highways, Streets and Lanes, and on the Common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Births and Mooring-places of Vessels at the said Quay, and the proper times for Vessels to pass through the said Bridge.

32 Geo. 3, c. 74, (Public). An Act for the maintenance and improvement of the Harbour of Ramsgate, in the County of Kent; and for cleansing, amending and preserving the Haven of Sandwich, in the same county.

37 Geo. 3, c. 86, (Public). An Act for amending an Act passed in the Thirty-second year of the reign of His present Majesty, intituled, 'An Act for the maintenance and improvement of the Harbour of Ramsgate, in the County of Kent; and for cleansing, amending and preserving the Haven of Sandwich, in the same County.'

47 Geo. 3, sess. 1, c. xxii. (Local and Personal, Public). An Act for amending, altering, widening and keeping in repair, the Road from the Town and Port of Sandwich, in the County of Kent, to the respective Towns of Margate and Ramsgate, in the Isle of Thanet, in the said County; and for reducing, for a limited time, the Tolls and Duties now payable at Sandwich Bridge, by virtue of an Act passed in the Twenty-eighth year of his late Majesty.

47 Geo. 3, sess. 1, c. xxxv. (Local and Personal, Public). An Act for the more easy and speedy Recovery of small Debts within the Town and Port of Sandwich, and Villes of Ramsgate and Sarr, and the Parishes of Minster, St. Lawrence, Stonar, Monkton and St. Nicholas, in the Isle of Thanet; Walmer, Ash next Sandwich, Eastry, Wingham, Staple, Godnestone next Wingham, Chillenden, Nonnington, Woodnesborough otherwise Winsborow, Eythorne, Word otherwise Worth, Elmestone, Preston next Wingham, Ickham, Wickhambreux, Waldershare, Barfreston, Shepherdswell otherwise Sibbertswould, Wymenswould, Barham, Patrixbourn, Bishopsbourn, Beaksbourn, Littlebourn, Stodmarsh and Stourmouth, in the County of Kent.

9 Geo. 4,

(a) Comparative Account of Population, printed by order of the House of Commons, 1831.
(b) Marshall's Statistics.
(c) Census of 1831.

SANDWICH.

9 Geo. 4, c. lxxxv. (Local and Personal, Public). An Act for more effectually repairing the Road from the Town and Port of Sandwich, in the County of Kent, to the Towns of Margate and Ramsgate, in the Isle of Thanet, in the said County; and for reducing, for a limited time, the Tolls and Duties payable at Sandwich Bridge.

10 Geo. 4, c. cv. (Local and Personal, Public). An Act for vesting the Appointment to the Office of Bailiff or Verger of the Town and Port of Sandwich in the Mayor and Jurats of the said Town and Port; and for transferring the Common Gaol to the said Mayor and Jurats; and for the building and maintaining a new Gaol for the said Town and Port and its Liberties."

62. Copies of the following Documents accompany the Report:

Documents.

1. Translation of the Charter of Charles 2.
2. Return relating to the Criminal Jurisdiction.
3. Return relating to the Civil Jurisdiction.
4. Abstracts of the Accounts of the Treasurer of the Liberty, for Two Years ending the 20th July 1833.

D. Maude.

REPORT

ON

THE CORPORATION OF SEAFORD,

(KENT.)

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CORPORATION OF SEAFORD.

THE jurisdiction of the Corporation of Seaford is co-extensive with the Parish of that name, which contains about 2,000 acres of land, and a population of about 1,100. Limits.

Seaford is a member of the Town and Port of Hastings, one of the Cinque Ports, and, as such, enjoys all the privileges and immunities conferred by the General Charters relating to those Ports, (for which see the Report on the Corporation of Dover and Jeake's Charters.) The only Charter in the possession of the corporation of Seaford is one of August 4th, 35 Hen. VIII., which, after reciting that Hastings was so much wasted by enemies and the effect of the sea, as to be incapable of providing its proportion of the shipping to be furnished to the Crown by the Cinque Ports and their members, grants to the bailiff and barons of Hastings that the town, parish and borough of Seaford shall have a bailiff, and be incorporated as the Bailiff and Commonalty of the Town, Parish and Borough of Seaford; that the bailiff may hold a Court every 15 days, with jurisdiction extending to all kinds of actions; that the bailiff and inhabitants shall be free of toll, &c. throughout England, and shall not be put upon juries or inquisitions; and that they shall be annexed to and deemed a member of the Cinque Port of Hastings. Charters.

The Title of the corporation is, "The Bailiff, Jurats, and Commonalty of the Town and Port of Seaford, in the county of Sussex;" and Title.

The Body consists of a bailiff, an indefinite number of jurats, and an indefinite number of freemen. Body Corporate.

There is no separate ruling body.

The Jurats are elected for life by the bailiff and jurats, whenever they think fit, at a common assembly, from among the freemen. Jurats.

The Freemen are elected for life by the jurats and freemen, whenever they think fit, at a common assembly, from among the commonalty. Freemen.

The Commonalty are the scot and lot inhabitants, who, before the Reform Bill, had the privilege of sending two Members to Parliament.

The Officers of the corporation are,— Officers.

A Bailiff.
A Recorder.
Jurats (at present nine).
Two Chamberlains.
A Town Clerk.
A Serjeant at Mace, who is also Gaoler.
A Constable and Headborough.

The Bailiff is elected annually, on the 29th of September, by the freemen, from among the jurats and freemen. Bailiff.

He is chief magistrate in the parish, with jurisdiction exclusive of the county justices; coroner by virtue of his office; and presides at the Sessions.

He has no salary or emoluments: the coroner's fee goes to the town clerk.

The Recorder is elected for life by the whole body of the corporation; but as there has been but one trial at the sessions during the last 17 years, and he does not attend unless required, his office is little more than honorary. He has no salary or emoluments. Recorder.

The Jurats act as magistrates within the parish, having the same jurisdiction as the bailiff. They assist at the sessions, but have no salary or emoluments. Jurats.

The Chamberlains are appointed annually by the bailiff from among the freemen. They collect the revenues and keep the accounts of the corporation, for which they have the rent of the Hangman's Acre, which produces about 1*l.* a year. Chamberlains.

The Town Clerk is appointed annually by the bailiff, but it has been usual to continue the same person from year to year. Town Clerk.

He transacts the law business of the corporation, and attends as Clerk of the Peace at the sessions, for which he has a salary of 4*l.* 4*s.* a year, and his professional charges for extra business.

SEAFORD.

Serjeant at Mace and Gaoler.

The Serjeant at Mace is also appointed annually by the bailiff. He attends corporate meetings with the mace, summons juries and serves process, for which he has 14*s.* a year, and a hat and cloak. He also discharges the duties of Gaoler, for which he makes an occasional charge, being rarely called on to act in that capacity.

Constable.

A Constable and Headborough are appointed at the Michaelmas Sessions by the bailiff.

They have no salary or emoluments.

Fees and Fines.

No Fees are paid on any occasion. There is a Fine of 5*s.* on the bailiff or jurats for not attending the sessions, and 2*s.* on freemen.

Courts.

A Court of Sessions and Gaol Delivery of unlimited jurisdiction is holden annually before the bailiff and jurats, but it has long been the practice to send every serious offence to the county sessions, and trials at Seaford so rarely occur, that the sessions may be said to be only holden *pro formâ*.

Court of Record.

The Court of Record has long since fallen into disuse, and inconvenience is experienced in having to send prisoners for debt to Dover Castle, and in being subject to the Boder of Dover's charges for execution.

Juries.

The Grand Jury consists of the freemen; the petty jury is empanelled by the bailiff, and summoned by the serjeant at mace. The inhabitants are exempt from serving on juries in the county, and from county rates.

Police.

There is no Police other than the constable and headborough.

Gaol.

A small Gaol, superintended by the bailiff and jurats, is now only used for safe custody previous to commitment to the county gaol.

Revenue.

The corporation has a clear revenue of about 60*l.* a year, arising from the rent of land.

Of this they apply 20*l.* as a subscription to a school, 4*l.* 4*s.* to the town clerk's salary, and 14*s.* to the serjeant at mace.

The residue goes to defray rates, taxes, repairs and law expenses, when there are any.

Local Acts.

There are no Local Acts relating to the place, which is only a large agricultural village.

General State.

The Poor's Rate is rather on the increase; a consequence probably of the Borough having been disfranchised.

London, March 31, 1834. *P. Bingham.*

REPORT

ON

THE CORPORATION OF TENTERDEN.

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CORPORATION OF TENTERDEN.

1. THE Jurisdiction of the Corporation of Tenterden is co-extensive with the hundred of Tenterden. It takes in the parish of Tenterden, and a small portion of the parish of Ebony. The town is situated in nearly the centre of this area. The hundred is divided into six boroughs, each of which has its own peace officers; the portion of the parish of Ebony does not form a separate borough of itself. The parish of Tenterden contains 8,620 statute acres, and the portion of Ebony within the hundred was estimated at about 300 acres. Limits of the Jurisdiction.

2. The only Charter, which the corporation possess, is one granted by Queen Elizabeth, as exemplified in letters patent of William 3. The charter of Elizabeth is dated the 16th of August, in the 42d year of her reign. It states that the town and hundred had of ancient time been a town incorporate, annexed to the town and port of Rye; and that the bailiff and commons had supplicated the Queen to incorporate them by the name of the mayor, jurats and commons of the town and hundred. It then appoints a mayor and 12 jurats, and provides for the future elections of these officers. The mayor, jurats and commons are to assemble on the 29th of August, and to remain, until one of the jurats shall have been chosen, by the greater part of the commons then assembled, to the office of mayor. The commons are to elect the senior jurat who has never served the office; if all the jurats have served, they are to elect a jurat according to the constitutions and decrees to be made in writing by the mayor, jurats and commons. In case of the death of the mayor during his year of office, the senior jurat is to take the office for the remainder of the year. In case of the death of a jurat, the mayor, jurat and commons are to assemble on the 29th of August after such death, and then the greater part of the commons, so assembled, are to elect one of their own body to be jurat. Such of the inhabitants, as shall be admitted by the mayor and jurats, are to be freemen, who are to be accounted the commons of the town and hundred. Power is given to the mayor, in case of his illness or absence from the town, from time to time to appoint a deputy to execute the office during such illness or absence. Charter of Elizabeth.

Power is given to the corporation to hold a court of record for all personal actions, and pleas of lands and all other matters, and to appropriate all fines and amerciaments arising within it. There is a grant of a fair and market. The mayor, and two jurats, chosen annually by the mayor and commons, are to be justices of the peace within the town and hundred, with jurisdiction over murders, felonies and other offences. The corporation are to have a gaol, and a view of frankpledge. The members of the corporation are not to be compelled to attend out of the town before the justices of assize or of *Nisi Prius*, or before the justices appointed for surveying walls, sewers and bridges, or other officers of the Crown specified. They are to be considered barons of the Cinque Ports. There is a saving of the right of the Archbishop of Canterbury. The mayor is to be coroner within the town and hundred.

There are the usual clauses of incorporation, and confirmation of previous liberties.

3. William 3 granted an Exemplification of the preceding charter of Elizabeth, which is set out in his letters patent, dated the 24th February in the 12th year of his reign. Exemplification by William 3.

4. The Title of the Corporation is "The Mayor, Jurats and Commons of the Town and Hundred of Tenterden, in the county of Kent." Title of the Corporation.

5. The Officers of the corporation are, Officers.

Mayor	1
Jurats	12
Common Clerk	1
Chamberlain	1
Serjeants at Mace	2
Gaoler	1

The following are appointed by the justices:

High Constable	1
Borsholders	6
Deputy Borsholders	6
Beadle	1

6. There are at present 19 freemen, 14 of whom are resident within the jurisdiction. Of late years there has never been a much larger number of freemen. Freemen.

7. The Mayor is elected annually from the jurats by the freemen only. On the day of election the whole corporation is convened to meet at the court hall. Each resident member is summoned. If there be any jurat, who has never served the office of mayor, he is declared mayor as a matter of course, in accordance with the restriction in the charter, mentioned in sect. 2. If all have served, the freemen retire by themselves to one end of the room, Mayor, election of.

TENTERDEN.

room, where some one of them proposes a jurat; on this proposal being seconded, a show of hands is demanded. From 10 to 14 freemen on the average attend. There is not often any division amongst them, the jurats being generally taken in rotation. Politics have very seldom influenced the election; where the rotation has been broken through, the cause has generally been some feeling connected with parochial, or other local, matters.

The old mayor is sometimes re-elected. Ten or twelve years ago, it was the custom for the town clerk to take each freeman's vote separately, and he usually suggested what jurat they should elect.

Deputy Mayor, appointment of.

8. It is usual for the mayor, on the day he is sworn into office, to appoint a Deputy to act for him, in case of illness or absence, during the year. This is not quite in accordance with the charter, as that seems to require that a distinct appointment shall take place on every occasion of illness, or absence from the town, in which a deputy is requisite.

Jurats, election of.

9. The Jurats are elected by the freemen out of their own body. The office is for life. It is not considered necessary that a majority of the freemen should attend. On the last election of two jurats there were only five or six present. The election takes place in the same manner as that of the mayor, mentioned in the preceding section, on a summons from the mayor. There seems to be no canvassing beforehand. Local matters, rather than political opinions, would influence the election. Religious tenets seem to form a material subject of consideration: it was thought that no Dissenter from the Established Church would be elected. There are several Dissenters amongst the freemen, and one or two elections of jurats have taken place since the repeal of the Test and Corporation Act; but no Dissenter has been elected. It was stated, that a practice had invariably been observed of not electing as jurat any person in trade in the town. At present there are only six jurats including the mayor. The number has not been complete for a great many years, but has not been so low, as it is at present, for the last ten years. Two persons were elected in December 1829; but they have hitherto declined being sworn, and are not included in the six. They have assigned no specific reason for refusal. The charter seems to require that an election of jurats should take place on the 29th of August succeeding every vacancy. The entry of the assembly, held on that day in each year down to 1732, always notices the election, or non-election, of jurats. In the latter event, the entry states "that the commons have elected no jurat, because," &c. This practice was discontinued after 1732, and, for the last 50 years at least, the election of jurat has taken place at other parts of the year, on the summons of the mayor.

The present jurats are all gentlemen unconnected with business, residing in or near the town.

Common Clerk, election of.

10. The Common Clerk, or Town Clerk, is elected annually by the mayor, jurats, and freemen. His re-election takes place as a matter of course, no instance being known of a common clerk having been displaced. He has always been an attorney. The present common clerk is not a freeman; he was first elected in 1824. Upon his first election there was another candidate, who happened to be a dissenter from the Established Church, an Unitarian. Previously to the election, the present town clerk gave notice to his competitor, that he should call upon him to comply with the requisitions of the Test and Corporation Acts. Upon this the latter retired from the contest. This proceeding excited a strong feeling of dissatisfaction in such of the inhabitants of the town as were of the same religious community as the candidate, excluded by these means from the office. It was stated by some persons that this feeling extended to other dissenters: this the town clerk denied. At present a feeling of rancour exists, between the town clerk and the particular body of dissenters specified, to an extent, which it is almost impossible to exaggerate. The consequences of this are extremely prejudicial to the interests and quiet of the town. It was stated on both sides that the question was merely a personal one, but I had great reason for believing, that it had created a strong religious party feeling in a large portion of the inhabitants.

Chamberlain, election of.

11. The Chamberlain is elected annually by the mayor, jurats, and freemen. The same person is re-elected as a matter of course. The Chamberlain has always been a freeman.

Serjeants at Mace, appointment of.

12. The Serjeants at Mace are elected by the mayor, jurats, and freemen. The office is an annual one, but the same persons are always re-elected as a matter of course.

Gaoler, appointment of.

13. The Gaoler is appointed at the same time, and in the same manner, as the serjeants at mace. The senior serjeant is always appointed.

Clerk of the Market, appointment of.

14. The first serjeant at mace is annually appointed Clerk of the Market by the mayor, jurats, and freemen.

High Constable, appointment of.

15. The High Constable is appointed annually by the justices at the general sessions. He is generally a substantial householder of the town. It is not usual for him to serve more than one year. Some of the inhabitants stated that this office was unnecessary, and that they wished to have one of the overseers sworn as a constable, who would supersede the necessity of a high constable. They said that the overseer would execute the warrants against persons, who refused to obey orders of affiliation, without charging anything for his time, and that the borsholders might perform all the other duties. The town clerk stated that it was very advisable to have a constable ready to act on all occasions, who had jurisdiction over the whole hundred, and that very little expense would be saved, as the constable's whole charge seldom exceeded 4*l.* or 5*l.* in a year. Some years ago the serjeant at mace executed all the warrants, although not a constable. When the present town clerk

came into office, he originated the practice of having a constable for the hundred. The question seemed to be one rather of jealousy between the select vestry and the corporation, than of any real saving of expense. TENTERDEN.

16. The Borsholders are appointed annually by the justices at the general sessions. One borsholder is appointed and sworn for each borough. It is usual to appoint, as borsholder, the deputy borsholder of the preceding year. Borsholders, appointment of.

17. The Deputy Borsholders are appointed by the justices at the general sessions, one for each borough. The deputy borsholder of the preceding year selects his successor. He summons such householders within his own borough as he thinks fit for the office. Complaint was made, that the offices of borsholder and deputy borsholder were confined to the tradespeople almost entirely, persons in a higher station in life being seldom required to serve. As the deputy borsholder chooses his successor, it is clear that the tradespeople have at any time the power of changing the system. Some of them stated that there was an unwillingness to do this, from fear of giving offence and injuring their trade. It was also objected, that the richer classes were allowed to serve by substitute. The town clerk stated, that there was a disposition on the part of the justices to accommodate persons who were selected, and that any one, without distinction of rank, was allowed to serve by substitute, if he procured such a substitute as the justices thought fit for the office. An instance was mentioned as showing partiality towards a person in a higher class of life, who had just come to reside within the town. An exemption was granted to him on the latter ground, and did not seem to be unreasonable. There seemed to be no foundation for complaint against the magistrates. Deputy Borsholders, appointment of.

18. The Beadle is appointed by the mayor, jurats and freemen. As he is paid by the select vestry out of the poor-rate, it has been customary for them to recommend some person, who was receiving parish relief, and who was unfit for more active duties. There seemed to be some dispute relating to the person, who was in office at the time of my visit. The payment to the beadle, who had been appointed by the corporation, had been discontinued, and another person, who had been very burthensome upon the poor-rate, had been appointed by the vestry, and sent by them to the magistrates to be sworn in. This had not been done, but the person acted as beadle and received the stipend. He had previously been sworn as a special constable. This instance furnished one of many proofs of the jealousy and want of good feeling between the corporation and the select vestry. Beadle, appointment of.

19. No Fees are paid on the election into any of the preceding offices. Fees.

20. The bye-laws impose Fines upon persons refusing to take office after election. They are for refusal to take the office of Fines.

mayor	£. 40
jurat	20
chamberlain	5
borsholder	1

The last instance of any of these having been imposed was in 1781, when 40 *l.* was paid by a person, who refused the office of mayor.

21. The Freemen are elected by the mayor and jurats. There is no qualification, nor does it appear, by any early entries in the books, that persons acquired a right to admission by any of the usual means. I was unable to ascertain what considerations influenced the admissions. Politics do not seem to have been considered, at all events until very lately. On a recent occasion, six persons, three supposed to belong to one political party and three to the other, were proposed for admission, but, on some account, no admission took place. Religious tenets have not formed an invariable criterion, as there are five or six dissenters in the present body of 19 freemen. The only privilege the freemen have is that of importing coal and other merchandize at Rye duty-free, and it was stated that the admission had never been refused to any one, who asked for it for the purpose of exercising this privilege. Several of the tradesmen of the town are freemen, but it has always been a rule not to elect them jurats: the latter election however depends upon the freemen themselves. The fee paid on admission is 1 *l.* 4 *s.* to the town clerk. The stamp duty is 3 *l.* Freemen, admission of.

22. The Governing Body consists of the mayor, jurats and freemen, a meeting of them is called a common assembly. The functions of this body are nearly nominal. Governing Body

23. The Mayor is a justice of the peace. He presides at the quarter sessions. He usually takes the principal part of the business, which requires a justice. When he cannot attend the petty sessions, he generally requests the deputy mayor, or some other magistrate, to attend. Mayor, functions of.

He is a quorum judge of the court of record, an office at present nearly nominal.

He is coroner within the hundred. The town clerk always attends inquests with him and takes the depositions. The number of inquests is not above one in the year on an average. The jury is summoned by the first serjeant at mace. He selects such tradespeople, or farmers, in the neighbourhood in which the inquest is to be held, as he thinks fit. If any one request to be excused for any reasonable cause, he summons another in his place. Fourteen are summoned and 13 sworn. Nothing is allowed them, but a small quantity of beer. Coroner.

The duties of the office of mayor cannot be very onerous. He has no salary or emoluments, nor does the office entail upon him any expense.

TENTERDEN.

Jurats, functions of.

24. The Jurats all act as justices of the peace. The charter grants the authority of justice to two jurats only, to be elected annually by the whole corporation. No entry of such election occurs in the ancient books of the corporation, and the present usage would seem therefore to have always existed. It may probably be derived from one of the charters granted to the Cinque Ports. They have no other functions beyond those previously mentioned.

Common Clerk, functions of.

25. The Common Clerk has the usual duties of such an officer.

He attends all the common assemblies, and enters the proceedings.

He is clerk of the peace for the hundred, and clerk to the justices.

He is clerk of the court of record.

He attends all inquests with the mayor, and does the practical part of the business of coroner.

He has no salary. He has 1 *l.* 4 *s.* on every admission to the freedom; the average annual amount of these fees is very small.

He has fees in the court of record, the highest of which is on the levying of a fine, 3 *l.* 10 *s.*; the average number of these is not above one in two years, and the whole amount of his fees arising from the court of record is inconsiderable.

He charges one guinea for attending the common assembly on the day of election of officers, and 10 *s.* for attending a court of record. He has one guinea for making out the order for the hundred assessment, and one guinea for attending the quarter sessions, if there be any business; if not, half a guinea.

He has one guinea for every inquest which he attends, and 4 *s.* for the precept and warrant to bury the body. He makes out a professional bill, containing all the usual items and charges. The whole of his charges are paid out of the hundred rate.

He is employed as the attorney in all prosecutions at the assizes, when the prosecutors themselves do not employ their own attorney, which is seldom the case. His costs are taxed by the officer of the court, but, if the prosecutor cannot afford to pay the extra costs, they are always charged by him upon the hundred rate, so that the taxation is of no use.

His annual bill upon the rate, including the charges of prosecutions at the assizes, amount, on an average of seven years, to 138 *l.* He calculates that part of his bill, which is more particularly for corporation business, at from 35 *l.* to 45 *l.* a year.

Chamberlain, functions of.

26. The Chamberlain is the treasurer, not only of the corporation, but of the hundred. The income of the former, as will be seen, is little more than nominal; no separate account is kept of it. The produce of the hundred rate is paid over to the chamberlain by the borsholders, and no payments are paid by him except on a justice's order, or that of the clerk of assize. The manner of auditing the accounts will be mentioned in section 40.

The chamberlain has no salary or emoluments.

Serjeants at Mace, functions of.

27. The Serjeants at Mace are the general servants of the corporation, and attend all courts and common assemblies. The senior serjeant summons all the juries for the quarter sessions and for coroner's inquests. He has an allowance of 6 *s.* 8 *d.* for summoning the coroner's jury, and 2 *s.* 6 *d.* for every quarter sessions jury. He has the care of the market-house, which he cleans, and for which the butchers, who frequent it, pay him a trifling sum. The serjeants have no salaries, but each has a house of the corporation rent-free. Their fees of office are very small, those of the senior serjeant, including his fees as gaoler, not amounting to more than 3 *l.* or 3 *l.* 10 *s.* in the year on an average. They have liveries occasionally. They derive the chief part of their subsistence from their respective trades.

Gaoler, emoluments of.

28. The Gaoler has no emoluments beyond the usual fees, which are scarcely more than nominal.

Clerk of the Market, functions of.

29. No duties seem to be performed by the Clerk of the Market. He stated that if he were to see any unwholesome meat exposed for sale, he should make a representation of it to the butcher, but that he did not know what further steps he should take. He has no emoluments.

High Constable, functions of.

30. The duties of the High Constable are confined to those of a peace officer in executing warrants. His bill on the hundred rate, including the expenses of conveying prisoners, does not usually exceed 6 *l.*

Borsholders, functions of.

31. The Borsholders collect the hundred rate within their respective boroughs. This is the most onerous part of their duty. They have no emoluments.

Deputy Borsholders and Beadle, functions of.

32. The Deputy Borsholders and Beadle have the usual duties of such functionaries.

Freemen, privileges of.

33. The Freemen have no privileges within the town. They have some exemption from dues on importing goods at Rye. They have also the privileges of the other Cinque Ports freemen, one of which is exemption from toll throughout the kingdom, but no instance was known of this having been exercised, as there was no master of a vessel within the town.

Quarter Sessions.

34. The Sessions are held every quarter before the mayor and other justices. They have jurisdiction in capital felonies, but in such cases the committal always takes place for trial at the county assizes. When any serious case, or other business of importance, is expected, the assistance of a barrister, as assessor to the bench, is always procured. In common cases of larceny the mayor takes the evidence and charges the jury. The town clerk is clerk of the peace and prepares the indictments. The juries are summoned by the senior serjeant at

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at mace on a precept from the mayor. The grand jury is regularly summoned twice in the year at least, the petty juries, only when there is some offence to be tried. Both juries are taken from the tradespeople and farmers at the discretion of the serjeant at mace. He keeps a book, in which he writes the names of such persons as he summons and the time of service, and by this he observes, as nearly as he can, a rotation as to all whom he considers fit to serve. He makes no separation of grand and petty jury: if the former only be required, he summons 14; if both, 28. The town clerk apportions the names to the two juries; 14 of those, who are 40 *s.* freeholders, he places as petty, and the remaining 14, as grand jurors. The grand jury receive presentments from the borsholders of bridges or styles out of repair, and of any nuisances within the hundred: these they bring into court. They sometimes inspect the subjects of the presentments themselves. Notice is then sent to the parties. If the nuisance be not abated, it is probably presented a second time, but no further steps are ever taken. The grand jury have occasionally examined the weights and measures used at the shops. The following is the number of committals for felony, convictions, and transportations, and of the expenses allowed in them out of the hundred rate, in three consecutive years.

Years.	Committals.	Convictions.	Transportations.	Expenses. £.	s.	d.
1830	0	0	0	—		
1831	3	3	0	16	9	4
1832	2	2	0	8	12	—

No appeal has been tried at the sessions for many years. Any disputes relating to the rates are usually settled by the magistrates at their petty sessions.

Petty Sessions.

35. The Petty Sessions are held every week, at which the attendance of two magistrates can always be obtained.

View of Frankpledge.

36. The charter authorizes the mayor and jurats to hold a View of Frankpledge twice in the year. This is accordingly proclaimed as a matter of form at two of the quarter sessions, but no business is transacted at this court.

Court of Record.

37. The Court of Record is supposed to be held every fortnight; this is not done unless there be some business to be transacted, but entries are made to that effect in the book. The mayor and jurats are the judges, three of whom, including the mayor, are a quorum. Actions are seldom brought in the court; no instance is known of any plea having been put in, so that judgment is signed and execution issued on an affidavit of debt. It is considered that no attornies can practise in the court, but such as are admitted of it. There are at present only two attornies of the court, one of whom does not reside within the town. The other seldom has a suit in it. The actions are generally brought by clients of the town clerk; in such cases he prepares the process and declaration, but enters the appearance of the plaintiff as made in person and not by attorney. He stated, that if any plea were put in, and the cause were not removed into a superior court, he should withdraw his assistance from the plaintiff. The costs, including execution, on judgment by default amount to between 4 *l.* and 5 *l.* These are taxed by the town clerk, so that in most cases he is taxing his own bill of costs. Ejectments are sometimes brought, and judgment signed upon the fictitious lease, entry and ouster. Fines are occasionally levied in the court: the expenses attending them are about 3 *l.* 10 *s.* each. It appears that down to the year 1817, no business, except the levying of fines, had been done in the court from very early times. There is an entry in the book of the date of that year, that the town clerk wanted assistance, and that a certain person was appointed his deputy. The individual named was a printer and dissenting minister, and it appears that he officiated as the officer of the court for five or six years. During this period a great number of actions were brought in the court. The present town clerk stated that the proceedings were conducted in a most irregular manner, the cases being decided by this deputy clerk without any jury, and that he had frequently refused to practise in the court on this account. By the entries, it does not appear that any plea was put in in any of the actions, but the entry of the judgment, which frequently directs the time and mode of payment by the defendant, seems to show that a hearing of the defendant took place. An attorney, who practised in the court at the time, and who was in partnership with the then town clerk, stated that he never saw any of the irregular practice complained of. The actions were probably decided in the same manner as those in courts of requests: I could not ascertain that there was any other irregularity. The complaint seemed to have originated chiefly from a violent personal feeling of animosity existing between the attorney just referred to and the present town clerk. There is no table of costs. The town clerk's fee, for filling up and issuing a writ, is 13 *s.* 4 *d.*: the serjeant at mace has 10 *s.* 6 *d.* for making an arrest.

Police.

38. The constable, borsholder and deputy borsholder form the only Police, and were represented to be quite sufficient upon ordinary occasions. It has sometimes been found requisite to swear a number of special constables.

Whether the Jurisdiction requires extension.

39. The Jurisdiction requires no extension, the whole population of the immediate neighbourhood being included within it.

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Hundred Rate.

40. The Hundred Rate is in the nature of a county rate, and is made by the justices at the quarter sessions. A rate of this kind has existed from very early times under the name of a town scot. The assessment used to be made at a common assembly by the mayor, jurats and freemen. There are not regular entries in the books relating to it, but it would seem that the present mode of imposing the rate has existed for many years. The order imposes a tax of so much in the pound upon the owners and occupiers of all property in it, the assessment to be made by the constable, and the tax to be collected by the borsholders in their respective boroughs, and to be paid over by them to the chamberlain. The rate is generally made at the Michaelmas sessions, and is, nearly alternately, at 6*d.* and 8*d.* in the pound. The rate is collected upon the poor-rate assessment. A sixpenny rate produces about 184*l.*: it is directed to be all levied at once, but there is frequently great difficulty in obtaining it, and it is seldom all got in before the following Michaelmas. Arrears are sometimes outstanding in the succeeding year. The borsholders are directed to produce their books and pass their accounts at the Easter and Michaelmas sessions; they seldom do so at the former period. The principal charge on the rate is the town clerk's bill mentioned in sect. 25. There is a charge, averaging about 40*l.*, for the maintenance of prisoners in Maidstone gaol. There is occasionally a small sum for the maintenance of prisoners in the gaol of the hundred. There is an annual contribution, towards the maintenance of debtors in Dover Castle, of 6*l.* 5*s.* There is frequently a charge of 8*l.* or 10*l.* for a dinner to the corporation, on the day of the mayor's election. At this dinner the mayor and jurats always pay their own proportion, that of the freemen only is paid out of the rate. An intention was expressed of discontinuing this charge in future. There are other usual charges, such as those of the constable. The accounts have always for the last 50 years, up to August 1833, been audited and passed by the justices only. Some time ago, one of the freemen claimed a right, on the part of the body to which he belonged, to join in the audit, but this was refused. The same claim was made in 1833, and was allowed, on the suggestion of the town clerk, that a bye-law of 1660 required such an audit. At that period however the rate was made by the whole corporate body. The abstract of the accounts is not printed; several persons stated, that the inhabitants would willingly incur the expense of printing, in order to see a statement of the accounts.

Gaol.

41. The Gaol is seldom used except for persons committed for trial at the town sessions, for those convicted of slight offences, and for smugglers. A person, however, was confined there for two or three weeks some time ago, under arrest from the court of record. The gaol consists of some dark cells without any area, and is in every respect unfit for its purposes. The corporation justices have made a contract with the county, by which they are enabled to send their felons to Maidstone gaol; and it is very desirable that this should be done in all cases.

Poor.

42. The management of the Poor of the parish of Tenterden is in the hands of a select vestry. The rates usually amount to about 8*s.* in the pound, calculated at two-thirds of the rack-rent.

Licences.

43. There are five licensed public-houses within the hundred, only two of which are not in the hands of brewers. There are no brewers connected in any way with the corporation.

School.

44. A detailed account of the Grammar School, and of the purposes to which it is applied, is given in the report of the Education Commissioners. Complaint was made by some of the dissenters, that their children were excluded from the benefit of the school, by the necessity of having to learn the church catechism, and to attend church. This complaint seemed unreasonable, as the original foundation for six scholars is still preserved, and from them no religious exercises are required. The really beneficial part of the institution is maintained by voluntary subscriptions, the contributors to which may very reasonably make their own regulations.

Market.

45. There is a Corn Market held every week. There is a market-house for the butchers, who attend there twice in the week: it is the property of the corporation; no tolls are taken at it.

Revenue.

46. The whole income of the corporation is about 2*l.* 2*s.*, paid by persons who put up stalls in the market-place. This charge seems to have existed for a great length of time. The corporation have two cottages, in which the serjeants at mace live rent-free.

By an entry in one of the books, dated 28th August 1776, it appears that two houses escheated to the corporation for want of an heir, subject to a lease of 150 years from the year 1650. This estate was sold by the corporation almost immediately for 10*s.* I could obtain no definite information respecting this transaction. The corporation accounts are blended with the accounts relating to the hundred, mentioned in section 40.

Population.

47. The Population of the parish of Tenterden in -

1801*	was	2,370
1811*		2,786
1821*		3,259
1831†		3,177

The

* Marshall's Statistics, p. 83, No. 517. † Census of 1831.

The number of inhabited houses in - - - {1801* was - - - - - - 366
{1811* - - - - - - - 454
{1821* - - - - - - - 527
{1831† - - - - - - - 548

That part of the parish of Ebony, within the hundred of Tenterden, was supposed to contain something less than 100 inhabitants.

Tenterden lies in a rich agricultural country, upon which it entirely depends, and partakes therefore of the depression of the agricultural interest. It contains no manufacture. The turnpike road from Cranbrook to Romney passes through the town, and indeed forms nearly the only street.

48. There are no Local Acts of Parliament relating to the town. Local Acts.

49. Copies of the following Documents are sent with this Report. Documents.

1. Resolutions of a Common Assembly relating to the Corporation Commission.
2. Translation of the Letters Patent of Will. 3, containing the Charter of Elizabeth.
3. Return relating to the Criminal Jurisdiction.
4. Return relating to the Civil Jurisdiction.

D. Maude.

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* Marshall's Statistics, p. 83, No. 517. † Census of 1831.

REPORT

ON

THE CORPORATION OF WINCHELSEA,

(SUSSEX.)

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CORPORATION OF WINCHELSEA.

Limits of the Jurisdiction.

1. THAT which is at present called the parish of Winchelsea was originally composed of three separate parishes, St. Leonard's, St. Giles' and St. Thomas-the-Apostle. The whole of the town is situated within the two last. The jurisdiction of the corporation extends throughout them, and both are now designated as St. Thomas-the-Apostle. St. Leonard's parish is entirely under that of the corporation of Hastings; it consists of about 30 acres only. Parts of the parishes of Pett, Broomhill and Icklesham, also are within the jurisdiction of Winchelsea, but these parts are entirely agricultural, and contain a very small population, there being only one house in Pett, about ten in Broomhill, and about six in Icklesham, situated within them. The relative rentals of these parts are given in section 25. The jurisdiction extends along the sea coast for six or seven miles; the western boundary is a point between the two towers, numbered 31 and 32, and the eastern runs up to Rye Harbour within half a mile of that town, and it was towards this extremity of the liberty that the old town was situated.

Charters.

2. The corporation possess no private Charter. It is thought that some charters were surrendered to one of the Stuart kings, which were never afterwards recovered.

Title.

3. The Title of the corporation is "The Mayor, Jurats and Commonalty of the ancient town of Winchelsea."

Officers.

4. The Officers appointed by the corporation are,—

Mayor	1
Jurats	12
Town Clerk	1
Chamberlain	1
Serjeant-at-Mace	1
Town Serjeant	1
Water Bailiff	1
Gaoler	1
Constables	6
Pound-driver	1

Freemen.

5. The number of Freemen at present, exclusive of the jurats, is three.

Mayor, Election of.

6. The Mayor is elected annually on Easter Monday, from the freemen, at what is called a hundred court, by the mayor, jurats and freemen. In order to form this court, there must be present the mayor or his deputy, and at least two jurats and two freemen. It has been always customary for the corporation and town-clerk to meet together the evening before the election, and arrange who shall be mayor for the following year. Such person has been then proposed the next day, and elected as a matter of course. For many years the mayor has seldom been resident. The duties have generally been performed by a deputy, except on the day of election, when the mayor has usually attended. The office has been for some years confined to three individuals, one of whom has always been elected. The object of the system pursued in this election and that of the jurats, as well as in the admission of freemen, may be briefly stated. Previously to the Reform Act, the freemen had the exclusive right of voting for the Members of Parliament for the town. For many years the patronage of the borough was considered to be entirely in the hands of one individual; all the elections, therefore, have been made with reference to his parliamentary interest. Most of the persons elected jurats have been, on first coming into the corporation, strangers to the town. There can be no doubt that some of them have taken up their residence there solely for the purpose of keeping up the patron's interest. In order to preserve the borough as close as possible, the number of electors has been kept as low as would secure the existence of the corporation. By this means one or two individuals could prevent any valid meeting of the corporation taking place by merely staying away from it. One object of always electing a personal friend of the patron to the office of mayor was that of having him for returning officer in case of an election. Additional security was also obtained by it. The mayor has the appointment of his own deputy, whom he can displace at pleasure; and the presence of one or other of them is necessary for every corporate meeting. They two would have been able to prevent any admission into the body, even if all the other members of it had combined to open the corporation. No election took place at Easter, in 1833, and the mayor of the preceding year continues still in office. The town clerk and other inferior officers went into the hall on the day of election, but, as neither the mayor or his deputy attended, no court could be held. Another attempt was made the following day, pursuant to the statute, with the same success. The deputy mayor stated, that the reason of his non-attendance was his having had no instructions from the mayor to attend. He admitted, however, that it was understood beforehand, that no election should be come to. There seemed to be no doubt, that this proceeding had been agreed upon between the patron and his friends, purposely to cause a dissolution

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of the corporation, the disfranchisement of the borough having taken away all inducement to them to take any further trouble in the affairs of the town.

Deputy Mayor, Appointment of.

7. A Deputy Mayor is annually appointed by the mayor, to officiate for him in his absence during the year. The appointment is made after that of jurats has taken place, one of whom is always appointed. The deputy mayor has always been resident.

Jurats, Appointment of.

8. The Jurats are appointed annually by the mayor out of the freemen. As soon as he has taken the oaths, he calls upon such freemen, not exceeding 12 in number, as he thinks proper, who then take the oaths of justices of the peace. It is not necessary that they should be present at the time, as they may take the oaths at any time during the year. It has been usual to reappoint all who have ever been jurats. Of late years, four or five have generally been appointed.

Other Officers, Appointment of.

9. All the other Officers are elected annually, on the same day as the mayor. The right of election of all of them, except the serjeant-at-mace and constables, is in the mayor, jurats and freemen, jointly. As long as the present freemen have been acquainted with the corporation, all the elections have been merely matters of form, the selection of the officers having been made by those members of the corporations, who have had the principal management of the borough. As soon as the deputy mayor and jurats were appointed, a list was handed to the mayor, containing the names of the officers for the following year. Persons, who wished it, were continued in office; when any one had signified a wish to resign his office, the name of his successor was inserted instead of his. The mayor then read over the list, and proposed each person. No opposition was ever made, and the officers were severally sworn into their offices. The appointment of constables is probably in the justices only. The serjeant-at-mace is appointed by the mayor.

Freemen, Admission of.

10. The Freemen are admitted at a common assembly, consisting of the mayor, jurats and freemen. There have seldom been more than 12 at one time, including the mayor and jurats. The Members of Parliament have generally been admitted, but as they have not resided and paid rates, they were not entitled to any privileges. The object in all the admissions being merely to keep the parliamentary borough in the hands of the patron, no one has been admitted who was not either a personal friend of his, or who had not some strong inducement to promote his interest. Most of those admitted of late years have come to reside within the town from a distant part of the kingdom. Some of them have a nominal residence and are rated in the town, but have seldom gone there except on occasions of elections of mayor and of Members of Parliament.

Governing Body.

11. The mayor, jurats and freemen form the Governing Body of the corporation. Forty-eight hours notice of every meeting is requisite; this is given to each resident member personally by the serjeant-at-mace, on a precept directed to him by the mayor.

Mayor, Functions of.

12. The Mayor is a Justice of the Peace for the town and liberties. The duties of a justice are not onerous; the chief part of them arises from the apprehension of smugglers.

He, or his deputy, is a quorum judge of the Court of Record: the duties of this office are almost nominal.

Coroner.

The mayor is also coroner. The number of inquests is greater than what might be expected. This arises partly from smugglers being occasionally shot by the Government force. Several instances also have occurred of persons employed by the Government in the blockade service having destroyed themselves. It was stated that, until within about three years ago, the class of persons employed in that service was of a very low description; that the continuance in it was compulsory; and that the punishments inflicted on the members of it were very severe. To these causes was attributed the frequency of suicides. The system seems to have undergone a thorough change in these respects. The extent of the jurisdiction of the corporation along the sea-coast allots them a large proportion of the bodies washed on shore from wrecks. Where any wreck is visible, and there are survivors to identify the body, so that the cause of death seems manifest, no inquest is held. There have been at least nine or ten inquests within the last eight years. The town clerk always attends the inquests with the mayor or deputy mayor, and conducts the proceedings. The serjeant-at-mace summons the jury; he usually selects such tradespeople, or farmers, as are taken for grand jurors at the sessions. The coroner's jury are allowed one guinea out of the town rate. The mayor, or deputy mayor, receives 1*l.* with the usual allowance of 9*d.* a mile, for every inquest; this is paid out of the town rate.

The Mayor has no salary, nor any other emoluments.

Jurats, Functions of.

13. The duties of the Jurats are confined to those which devolve upon them as Justices of the Peace for the town and liberties. They have no emoluments.

Town Clerk, Functions of.

14. The Town Clerk attends all the meetings of the corporation, and enters the proceedings. He acts as Clerk to the Justices, and attends the Quarter Sessions as Clerk of the Peace.

He has no salary, but charges for his services in a professional bill upon the corporation: his bill, on an average of six years, amounts to 70*l.* a year.

Chamberlain, Functions of.

15. The Chamberlain acts as the Treasurer of the corporation. The accounts do not appear to have been audited since October 1812. At that time there is stated to be a balance due to the chamberlain from the corporation of 189*l.* 10*s.* 8½*d.* The balance has been regularly carried forward since, and by the last entry, dated July 1833, was stated to be 1,369*l.* 8*s.* 6*d.* in favour of the chamberlain. This is, in fact, merely nominal, as will be mentioned in Section 28. The chamberlain seems to have had no salary or emoluments; he is a freeman.

16. The

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16. The Serjeant-at-Mace attends at and proclaims all the courts and assemblies. He serves all the precepts, and summons the juries. When the Court of Record was in operation, the serjeant-at-mace was one of the attornies of it, and the person to whom the process was directed. The present serjeant-at-mace is also gaoler, crier, water-bailiff and constable. His salary, as serjeant, is 3*l.* 2*s.* 8*d.* He receives from the corporation 5*s.* for every jury which he summons. He has an annual allowance of 1*l.* for taking care of the court hall. He has a salary, as gaoler, of 25*l.* paid out of the town rate. He has no emoluments as water bailiff. He has the customary fees of constable for executing warrants. He has no allowance as crier, and his earnings as such are very trifling. Serjeant at Mace, Gaoler and Crier, Functions of.

17. The duties of Town Serjeant are the same as those of serjeant at mace. The town serjeant is Pound-driver. As serjeant he has a salary of 3*l.* 2*s.* 8*d.*, and 1*l.* annually for cleaning the outside of the court hall. His profits, as pound-driver, do not amount to 1*l.* in the year. Town Serjeant and Pound-driver, Functions of.

18. The Water Bailiff is the officer authorized to execute warrants and to make arrests upon the sea, within the jurisdiction of the corporation. The extent of this jurisdiction is not known. The present officer stated, that he had understood that it extended for three miles from the shore. He has himself not executed any warrant further than a quarter of a mile from it. There are no emoluments attending the office, beyond the usual fees for executing warrants. Water Bailiff, Functions of.

19. The Constables are seldom called upon; they all reside within the town of Winchelsea. Constables.

20. It was not known that the freemen had ever enjoyed any privilege beyond that of voting for Members of Parliament. They are entitled to the same exemption from toll as other freemen of the Cinque Ports, an account of which is given in the introductory Report on the Cinque Ports. Freemen, Privileges of.

21. The Quarter Sessions are held regularly at the usual times before the mayor, or deputy mayor, and other justices. The jurisdiction of the court extends to capital felonies, but they, and indeed all serious cases, are sent for trial at the Assizes or County Sessions. The town clerk is the clerk of the peace. The juries are summoned by the serjeant at mace. He selects the upper class of tradespeople, and such other householders as he thinks fit for the duties. For the petty jury he takes any respectable householders not upon the other pannel. There is sometimes a difficulty in finding a sufficient number for both juries, properly qualified for performing the duties. A grand jury is regularly summoned once in the year, which continues in office during four sessions, but does not attend after the first, unless there be occasion. Presentments of encroachments are occasionally made by it. A petty jury is not summoned, except when there is some offence for trial. The grand jury are allowed two guineas out of the town rate, and the petty jury one guinea, every session at which they attend. There has been only one indictment preferred since the present town clerk came into office in 1826. The expenses allowed upon this were 2*l.* 2*s.* Quarter Sessions.

22. Sufficient has been retained in the forms of the corporation, to show what the original constitution was. The town has long been in a state of decay and insignificance, and, excepting the return of Members to Parliament, the corporation has existed for no useful purpose but that of providing magistrates. It ought to be mentioned, however, that notwithstanding the non-residence of the mayor and some of the jurats, there has been a sufficient and satisfactory discharge of the duties of magistrates, at all events up to the time of the disfranchisement of the borough. The course adopted by the influential members of the corporation after that event was mentioned in Section 6. The proceeding seems to have been a most unjustifiable one, for, as the county magistrates have no jurisdiction within the liberty, it might be a question whether or not the town was not left entirely without magistrates or peace officers. This would depend upon considerations, as to which I could not obtain sufficient information. The inhabitants, generally, showed no disposition, at the time of my visit, to enter the corporation, stating that the only desirable privilege of a freeman had been taken away. Since my return to London, I have received a letter from the town clerk, stating that 35 freemen had been admitted, amongst which was a sufficient number qualified to keep up the bench of magistrates, two of whom were county magistrates. The jurisdiction, however, is too small to allow of quarter sessions being held without the risk of private and personal feelings obtruding themselves, even if a sufficient number of jurymen, fit for the office, could always be found. As the inhabitants might consider themselves prejudiced by having to serve on county juries and to prosecute at the county sessions, I see no objection which could arise from an amalgamation of the Winchelsea and Rye magistracy, and from both boroughs being placed under the same sessions' jurisdiction. This might be effected either by allowing the freemen, or 10*l.* householders, of Winchelsea to join with those of Rye in electing the magistrates for both boroughs, or in authorizing them to elect a certain number of magistrates for their own borough, who, however, as well as the Rye magistrates, should have jurisdiction over both boroughs; each set of magistrates confining itself in petty sessions to its own borough, in the same manner as is done in the districts of counties. If one of these plans should not be adopted, it would be very desirable that the county magistrates should have at least a concurrent jurisdiction. General Remarks on the Jurisdiction.

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Court of Record.

23. The Court of Record is to be held every fortnight before the mayor, or his deputy, and two or more jurats. In practice the court is never held except when there is business to be done, but regular entries of adjournments are made in the book. It has jurisdiction over all actions, real and personal. It was thought that no action had been brought in the court within the last 50 years. Fines are occasionally levied; there have been two instances since 1826. The expense is about 4*l.* each fine.

Court of Requests.

24. There is an idea amongst some of the inhabitants, that there was, many years ago, a Court of Requests in the town. This is not at all improbable, as a court of this nature for debts under 40*s.* has immemorially existed at Rye, and the constitutions of the two towns are in all other respects the same. Some of the tradespeople expressed a strong desire for a small debt court.

Town Rate.

25. A Rate, in the nature of a County Rate, is imposed upon the whole district within the jurisdiction of the corporation, by the justices at the Quarter Sessions. It was first imposed about the year 1818. The usual rate is 6*d.* in the pound upon a fixed rental: the rental for Winchelsea is 1,476*l.*; for the part of Icklesham, within the liberty, 1,188*l.*; of Broomhill, 1,248*l.*; and of Pett, 127*l.* A sixpenny rate produces 100*l.* The frequency of the rate is very uncertain, depending chiefly upon the number of smugglers taken. The present rate has run into a third year, but rates are frequently required in two consecutive years. The charges upon it consist of the usual expenses, of inquests and prisoners, gaoler's salary, allowance to the juries for dinners, as mentioned in Section 21, and treasurer's salary. The latter is 3*l.* 3*s.*; his accounts are audited by the justices, when the money in his hands has been exhausted.

Gaol.

26. There is a strong place of confinement under the town hall, in which smugglers have been occasionally imprisoned; but it is not at all adapted for the confinement of persons for any length of time.

Poor.

27. The Poor rates for the parish of Winchelsea amount to about 10*s.* in the pound in the year, upon an assessment of about two-thirds of the annual value. They have been as high as 24*s.* in the year. Hopes were entertained that they would be reduced below the present amount both by the diminution of pauperism and by improvement in management.

Revenue.

28. The only Revenue, which the corporation possess, is derived from what are called the town rents. These are fee-farm rents, which have existed immemorially, and are paid in respect of buildings, which have been built on, what was originally, the waste land of the town. An exchange was made, three or four years ago, of the site of the public pound for a small plot of ground. The pound has been removed to another part of the waste, and the ground taken in exchange is let by the corporation at an annual rent of 3*l.* 3*s.* The fee-farm rents amount to 19*l.* 0*s.* 7½*d.*, so that the whole income of the corporation is only 22*l.* 3*s.* 7½*d.* The town hall belongs to a private individual, for which a rent of 14*l.* is paid.

Expenditure.

The Expenditure of the corporation has far exceeded the income every year. In 1812, the last time the accounts were audited, the balance in favour of the chamberlain was 189*l.* 10*s.* 8½*d.* This was regularly carried forward, and, in July 1833, amounted to 1,369*l.* 8*s.* 6*d.* There seemed to be no doubt, however, that this was merely nominal, and that the chamberlain had been always paid by the patron of the borough, although no entry to this effect appeared in the books. The chamberlain was from home at the time of my visit, and I was, therefore, unable to ascertain this as a certainty. The town clerk's bill in 1832 amounted to 102*l.* 14*s.* 9*d.* and, on an average of six years, to 70*l.* He stated that he had always been paid by the chamberlain. Many of the heavy expenses of the year have been connected with the elections of Members of Parliament, and will not recur; but it is probable that, in future, the town rate will be charged with some expenses with which it has not hitherto been burthened; these, however, will not amount to any very large sum.

Population.

29. In the tables given below, the parish of St. Thomas-the-Apostle only is mentioned; by this, however, is probably designated the whole parish of Winchelsea. If any part be excluded, it is the parish of St. Leonard's, which however contains little or no population.

	In 1801.*	In 1811.*	In 1821.*	In 1831.†
The Population was - -	627	652	817	772
The number of inhabited Houses	105	126	153	143

Local Acts.

30. There are no Local Acts relating to the town.

D. Maude.

* Marshall's Statistics, p. 86, No. 705. † Census of 1831.

Lb17
1077

REPORTS

FROM

THE SOUTHERN CIRCUIT.

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REPORT

ON

THE BOROUGH OF ANDEVOR.

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BOROUGH OF ANDEVOR.

1. The Borough of Andevor is now considered to be co-extensive with the parish, which is about 22 miles in circuit. LIMITS of the Borough.

Nearly in the centre of the parish of Andevor lies the small parish of Knights Enham, in several insulated pieces: this is not part of the borough, although entirely surrounded by it. It has been customary in perambulations of the parish to include also the adjacent tithing of Foxcote, which appears to have been formerly a chapelry annexed to the parish of Andeover. It is now entirely distinct, maintaining its own poor, and not being under the jurisdiction of the magistrates of the borough. Knights Enham and Foxcote have been added by the Boundary Act to the borough of Andevor, for the purpose of Parliamentary representation. Additions made by the Boundary Act.

There are some traces that the borough was formerly taken to be less extensive than it is now considered. The parish comprises six tithings, Alderman-le-Grand, Winchester-street, Priory, Charlton, Hatherden and Enham Regis, forming together what is called the In-hundred of Andevor: Knights Enham, Foxcote, and ten other adjacent tithings form the Out-hundred. Of the six tithings of the parish or In-hundred, Alderman-le-Grand, Winchester Street and Priory Tithings are peculiarly styled "The Borough," while Charlton, Hatherden and Enham Regis are known by the somewhat composite name of the Out In-Hundred. In-Hundred. The Borough. Out In-Hundred.

The petty juries of the borough court, and also the grand juries, unless under particular circumstances, that will be presently explained, are summoned exclusively from Alderman-le-Grand, Winchester Street and Priory, and never from the Out In-hundred; and certain small payments in the nature of quit-rents, called Cert Money, are made solely from the Out-hundred and Out In-hundred, and not from Alderman-le-Grand, Winchester Street or the Priory. These distinctions give rise to a suspicion that these three tithings were originally the whole extent of the borough, and this opinion is strengthened by observing, that Knights Enham does not lie within the circuit of the borough so circumscribed. But at the present time the whole parish is unquestionably considered as the borough, with no other distinction than those above mentioned.

2. The oldest Charter, now in the possession of the corporation, is dated 1st May, in the 6th year of the reign of John, granting to the men of Andevor a gild merchant, and the same freedom from toll throughout his dominions as the burgesses of Winchester enjoyed, and confirming former charters of Henry II. and Richard I. of the same purport. By a second charter, 31st October, in the 15th year of his reign, John granted to his men of Andevor the manor of Andevor, with the Foreign Hundred. These charters are separately confirmed by two charters of the same date, 12th Henry III., and of these that which confirmed 6th John, was again confirmed by a charter, dated 29th Edw. III. All the foregoing charters were recited and confirmed in the 14th Richard II. and 5 Henry IV. Henry III. gave the borough two charters of the same date in the 40th year of his reign, granting, by one, the privilege (now obsolete) of the return of writs within the borough, and, by the other, that the goods of the burgesses should not be taken in execution for debts for which they were neither bail, nor the principal debtors. All the foregoing charters were confirmed in Parliament in the 5th Henry VI. and again by charter in the 25th of the same King. They received subsequent confirmation in the 6th Edw. IV. and the 2d Henry VIII. who again in the 25th year of his reign granted an exemplification of his former charter, in consequence of its alleged loss. This was finally confirmed in 1st Edward VI. and 1st and 2d Philip and Mary, and 30th Elizabeth. Henry VIII. also granted a fair by a separate charter, dated also in the 2d year of his reign. None of these charters enter into any detail with respect to the constitution of the corporation, nor did we find any documents throwing light on its early history. The present and governing Charter is dated on the 21st May, 41st Elizabeth; it recites and confirms only the two charters of John, the grant of the return of writs by Henry II., and the grant of the fair by Henry VIII. HISTORY: Old Charters. Governing Charter.

3. By this charter, the burgesses and inhabitants of the borough were incorporated by the style of "The Bailiff, Approved Men and Burgesses of the Borough of Andevor," and the corporation, as now constituted, consists of a Bailiff, Steward, ten Approved Men and twelve Capital Burgesses. CORPORATE BODY: Style. Constitution.

The bailiff, steward or his deputy, and approved men, are called the Common Council. Common Council.

The Bailiff is chosen annually from the Approved Men on the Monday before Holy Cross, (14th September,) by the majority of an assembly, consisting of the bailiff, the steward or his deputy, a majority of the approved men and a majority of the burgesses. There has been no opposition in recent years to the election of the candidate nominated by the bailiff Election of Bailiff.

ANDEVOR.

for the time being. In 1724 there was a division and an equality of voices; the bailiff, deputy steward and nine others voting for one Cook to be bailiff, while eleven others voted for Cooper. The votes appear to have been taken twice with the same result, on which the bailiff declared Cook duly elected. In this instance he seems to have given a second or casting vote.

In case of vacancy of the office of bailiff during the year, a new appointment is made by the steward or his deputy and a majority of the approved men, for the remainder of the year. No instance is remembered of a vacancy during the year, except a recent one, which will be mentioned presently.

The bailiff is sworn, and takes on him the duties of his office on Michaelmas-day next following his election. During his bailivate he ceases to be reckoned one of the approved men; but on the expiration of his year of office, he takes again among them the rank he held before.

Election of Steward.

The charter contains no directions for the election of Steward, but appointed the first steward therein named to exercise his office during life, and the election has always continued in the same form. The steward is chosen by the bailiff, a majority of the approved men and a majority of the capital burgesses. Residence is not required; the present steward is not resident.

Appointment of Deputy Steward or Town Clerk.

Similarly there is no precise direction in the charter for the continual appointment of a Deputy Steward, but the first steward therein named was appointed to "execute all that pertained to his office by himself or his sufficient deputy, who should be called the Town Clerk of the Borough;" and in the subsequent parts of the charter, the steward or his deputy is indiscriminately named as one of the component parts of the elective assemblies.

The deputy steward is appointed by deed under hand and seal of the steward, and confirmed in his appointment by the bailiff, approved men and capital burgesses. He need not be of the corporation, otherwise than as representing his principal.

The following extract from the corporation books, shows that the consent of the corporation is necessary to the appointment, although in more recent times there is no instance of its being withheld from the nominee of the steward.

In 1696 it was "ordered that William Guydott, Esq. should be from thenceforth discharged from his office of steward of the town, for that he had several times neglected the service of the corporation by absenting himself when summoned, and for that he had for a year and more left the corporation without a sufficient deputy or town clerk, and had lately displaced the old town clerk, and imposed on them a new one, without their consent or approbation, contrary to the usage and known principles of the corporation."

Roger Mompesson was chosen in his stead, and the entry of the next appointment of the deputy is, that "William Dowling was elected deputy steward, as well by the bailiff, approved men and burgesses, as by Roger Mompesson." Since that time, the election seems to have been in the old form, by the exhibition before the bailiff, approved men and burgesses of the deed of appointment by the steward, the allowance by them and enrolment of the same.

In 1703 is another entry, to the effect that Roger Mompesson had absented himself for several sessions, and (as that court was informed) was gone beyond the seas, whereby the office was become null and void. William Guydott was thereupon re-appointed for life to the vacant situation.

The present bailiff elect was town clerk during 18 years, and during a part of this time, was an approved man also. He has never before filled the office of bailiff, and resigned his situation as town clerk in favour of his son, previously to his being now chosen, without any intention of resuming it. A practice prevailed in the former part of the last century, that the then town clerk, who was one of the approved men, took his turn as bailiff with the others; resigning his office of deputy steward for the year to his father, who again resigned in his son's favour at the expiration of his bailivate. This highly objectionable practice continued at least until 1743.

Election of Approved Men.

The Approved Men are chosen for life from among the capital burgesses by the bailiff, steward or his deputy, and approved men; it is usual in case of vacancy to choose the senior burgess, but this rule has not been invariably observed. Latterly the number of ten has been kept up, but this seems not to have been always the case. Residence is not considered indispensable in the approved men; at present all are resident.

Election of Capital Burgesses.

The bailiff, steward or his deputy and approved men choose the Capital Burgesses from among the inhabitants of the borough. The chartered number, twelve, is not always kept full. At present there is one vacancy. The candidates are now almost always nominated by the bailiff, and his nomination is acquiesced in by the assembly. Residence within the borough is considered an indispensable qualification at the time of the election. Residence in Knights Enham, Foxcote, or any other part of the out-hundred would not be considered sufficient. Residence after election is immaterial. At present all are resident.

Burgesses.

There are now no other Burgesses or members of the corporation, nor is any mode of obtaining the freedom of the borough pointed out in the charter.

Each

Each approved man and capital burgess, on his election, pays to the town clerk a Fee of 2*l.* 2*s.* and 10*s.* 6*d.* to each of the serjeants at mace, besides 3*l.* 3*s.* for the admission stamp. Admission Fees.

Formerly there were some Guilds or Companies in Andevor, who assumed the power of preventing any person from exposing goods for sale within the borough, unless he became a member of one of their companies, for which 30*s.* was demanded. These guilds have now been extinct for at least 40 years. Guilds.

All the Inhabitants of the parish are exempt from county rates, and from serving on juries out of the borough. It was formerly the custom, but is now disused, that this exemption should be annually allowed by the sheriff of Hampshire, for which a fee of 6*s.* 8*d.* was paid to him. Privileges of Inhabitants.

The bailiff, as head of the Corporate Body and an integral part of the common council, presides at all the corporate meetings; his judicial and ministerial duties will be subsequently considered in detail. The approved men, as members of the common council, take part in the general superintendence of the affairs of the corporation, and, as members of the corporate body, have a voice in all the elections; they have no other duties to perform. The capital burgesses are not called to do any act, except in joining in those elections which are made by the whole corporate body, among which were, before the Reform Act, the election of Members to serve in Parliament. Functions of the Corporate Body. Corporate Elections. Election of Members of Parliament.

Until lately it was considered that the bailiff, steward or his deputy, and any eleven others, being half of the whole chartered number of the approved men and capital burgesses, formed a legal assembly for the election of the bailiff, without considering how many of these might be approved men, and how many capital burgesses. Constitution of Elective Assemblies.

The words of the Charter are, "That these elections shall be by the bailiff, steward or his deputy, the approved men and burgesses of the borough or town for the time being, or the greater part of them, of whom the bailiff of the borough or town for the time being, we will to be one."

In 1830, a doubt was raised on this subject, and the corporation consented to join in procuring a Mandamus to proceed to a new election of bailiff, which accordingly took place. Care is now taken that a majority of each body is present in all elective assemblies, of which the capital burgesses form a part. Mandamus.

It appears, from the foregoing account, that the corporation of Andevor, as now existing, is limited in number, and perpetuated on the principle of self-election. The chief power is placed in the hands of the bailiff, steward or his deputy and approved men. The capital burgesses join only in the election of the bailiff, who must be one of the approved men, of the steward and deputy steward, and are the stock from whom the approved men must be chosen.

The common council has the power of making Bye-laws for the government of the town, and of imposing fines and penalties for the non-observance of them. There are not now any written bye-laws, nor are any fines imposed either on the members of the corporation or others. Bye-Laws.

A power is also given by the charter to the common council of amoving the approved men or capital burgesses "at their discretion and as often and whensoever it shall please them." In 1715 an approved man was amoved from his office for non-attendance, and instances occur in the corporation books of the amoval of capital burgesses for poverty, ignorance and misbehaviour, but not recently. Disfranchisement.

The common council has also the power of fining such as refuse to take on themselves when elected the offices of bailiff, approved man or burgess, and of imprisoning them until they consent to serve or pay the fine: there has not been occasion for the exercise of it. As this power attaches by the charter to such inhabitants of the borough as shall refuse when chosen to take on them the office of capital burgess, it is plain that the charter contemplated the existence of a body of burgesses inhabitants, in addition to the approved men and capital burgesses, as it is difficult to suppose that such power of fine and imprisonment for refusing to take office could be lawfully exercised over such as were not already a part of the corporate body. Fine for refusal to take office.

4. The officers of the corporation, besides the Bailiff, are a High Steward, Coroner, Escheator, Clerk of the Market, four Justices, two Chamberlains, two Constables, two Serjeants at Mace, and a Beadle. Officers.

The High Steward is merely an honorary officer; he is not mentioned in the granting part of the charter of Elizabeth, nor are any directions laid down for the manner of his election; but from the preamble it appears that the Earl of Essex then filled the office of high steward of the borough, and the succession has been regularly maintained to the present time. The person chosen has been always one of rank and consequence. The election is by the bailiff, approved men, and capital burgesses, and is for life. No duties or emoluments of any kind belong to the office. The present high steward is the Earl of Portsmouth. High Steward.

Bailiff, Coroner, Escheator, and Clerk of the Market.

The manner of the Bailiff's election has been already described. The Coroner is annually elected on the Monday before Holy Cross, by the same body which chooses the bailiff. It appears by the corporation books, that the same person is invariably, though not necessarily, chosen bailiff and coroner. The bailiff is, by charter, Escheator and Clerk of the Market.

The bailiff, besides his general duties of presiding in the council and at the elections, is a Justice of the Peace within the borough, and in that capacity presides at the Petty and General Quarter Sessions. He is also, with the steward or his deputy, constituted a Judge of the Borough Court of Record, which will be presently described. He officiates as coroner, but in that capacity is always assisted by the town clerk. As clerk of the market, his duties are now nominal. His other office of escheator has become either obsolete or extinct. He also presides at the courts held by the corporation as lord of the manor and hundred of Andevor, the former of which is co-extensive with the parish; the latter includes also the twelve tithings of the out-hundred. He used formerly to hold a court of pie poudre at Weyhill fair, but this court was discontinued three years ago, and has not been resumed.

Emoluments of Bailiff.

The only Emolument now received by the Bailiff, is a sum of money arising partly from quit-rents, some of which are known by the name of cert-money, partly from the rent of a chalk-pit belonging to the corporation, and partly from fines of ancient date in respect of buildings which encroach upon the streets or highways of the town. The total sum arising from these sources, is estimated at an average of 65*l.* per annum. These rents and fines are collected by the bailiff himself, who gives no account of them. It appears that the bailiff was formerly allowed to receive the profits of the fairs; an entry in the books in 1752 states, that "In consideration that by the alteration of the stile, the bailiff would be out of office before the rents and profits of Weyhill fair, and other rents and profits usually received by the bailiff would become due, it was ordered, that he should continue to receive them until 10th of October (old Michaelmas-day), after the expiration of his office."

In 1786, 70*l.* was allowed to the bailiff in lieu of these profits, and that sum continued to be paid to him, with slight variations in amount, till 1819.

It was then customary for the bailiff to give a dinner on the day of his election: to enable him to defray the expenses of the dinner, which were usually 200*l.*, a further sum of 100*l.*, paid annually by the members of the borough, as a commutation for the ancient custom or compliment of a pipe of port wine, used to be made over to him. From the year 1817, this annual dinner has been discontinued, and since 1819, the bailiff's salary of 70*l.* has been also withheld, in lieu of which, his whole emoluments now arise from the above-mentioned rents and fines. Out of the sums received by him he pays small salaries to the town serjeants, or serjeants of the mace, amounting in all to 10*l.* a year. He also incurs some expense (the amount of which is not precisely known) in holding courts leet, and latterly there has been an understanding that the bailiff shall pay 20*l.* a year to the corporation, instead of the dinner which he formerly gave, but the payment seems to be optional on his part. Upon the whole, it is stated to us, that the necessary expenses of the bailiff's office are fully equal to his receipts.

Steward and Deputy Steward.

The manner of election of the Steward and Deputy Steward has been already described.

Functions of Steward.

The Steward is considered as filling the office of recorder; his functions are for the most part performed by the town clerk, who is his deputy for all purposes, except that of acting as a magistrate. As Justice of the Peace the steward occasionally sits in person with the other Justices for the borough at their Quarter Sessions.

Duties and Emoluments of Deputy Steward and Town Clerk.

The Town Clerk, as Deputy to the Steward, represents his principal at all the elections in the corporation, and in that capacity sits with the bailiff as Judge of the Borough Court of Record. He officiates at the quarter sessions as clerk of the peace and clerk of the indictments. He also assists in taking notes of the evidence for the use of the justices. He receives no salary either as deputy steward or as town clerk. As Clerk of the Indictments he receives a fee of 2*s.* on each indictment, and 6*d.* for every witness that is sworn. He is also entitled to a fee of 7*s.* on the discharge of recognizances, but the business at the sessions is so trifling, that very little arises from the former source, and hardly any thing at all from the latter; he also receives a fee of 2*l.* 2*s.* on the election of each approved man or capital burgess. He is steward of the manor and hundred of Andevor, and in that character receives certain fines, called essoign pence; these emoluments appear to be, in all, very inconsiderable. Whatever advantage belongs to the situation, must be as solicitor of the corporation, in which character he is paid for any business which may be done by him beyond attending the courts and councils.

Justices.

The bailiff and steward are justices for the borough *ex officio*. Two others by charter are annually chosen by the bailiff, approved men, and capital burgesses from among the approved men. These do not cease by such election to be of the number of the approved men; one is usually the bailiff about to go out of office, and the other the intended bailiff of the following year. Thus the ordinary course of office in three years is to be justice by election the first year, bailiff and justice *ex officio* the second year, and again justice by election the third year.

The

The Justices perform the duties which ordinarily belong to the office of justices of the peace. They receive no salary or other emolument. The justices of the borough have exclusive jurisdiction within it, except in capital felonies, which they have no power to try. Exclusive Jurisdiction.

No provision is made by the charter, in case of the death or amoval of a justice during the year, for filling up the vacancy before the annual day of election; and in that case the course above mentioned is necessarily departed from. This happened in the present year, the new bailiff for this reason not having served a year previously as justice.

The Chamberlains are not named in the charter; they are chosen by the common council. There is no trace of the first appointment of one of these officers, called the Town Chamberlain; but the other, called the Charity Chamberlain, appears to have been appointed for the first time in December 1622, according to a minute in the corporation book, noticed by the commissioners for inquiring into charities. Chamberlains.

The chamberlains are usually chosen from the approved men. Formerly there was no fixed time for which they were elected; but of late years there has been a regulation that they should be chosen for three years, and the appointments are now for that period. One of the chamberlains who has just resigned the office held it during seven years. The chamberlain who preceded him, held it as long as our informant (the late chamberlain) could remember; and during that time was frequently elected bailiff, without vacating his office of chamberlain. This gentleman was also town clerk and chamberlain at the same time, and so was his father.

One of the chamberlains is called the town chamberlain, and the other the charity chamberlain. Their duties are quite distinct. The Town Chamberlain is the treasurer of the corporation in respect of the property which they enjoy in their corporate capacity. He has no emoluments or remuneration. The Charity Chamberlain receives and disposes of the rents and other profits which arise from property vested in the corporation as trustees for charitable uses. He also is unpaid.

The bailiff, approved men and capital burgesses appoint the Constables for the borough and hundred. They are inhabitants of the borough, and are appointed for a year. They perform the ordinary duties of a constable within the borough. On going out of office, each receives a gratuity of 2*l.* 2*s.* from the parish. Constables.

The Serjeants at Mace are appointed by the bailiff during pleasure. Their duties are to summon juries at the Epiphany and Midsummer quarter sessions. They also summon petty juries when they are wanted for the trial of felonies or misdemeanors. They attend the court of record; and if it were necessary to serve process or to summon juries for that court, these duties also would devolve upon them. They collect the dues at Weyhill and Andevor Fairs, and receive the payments denominated essoign pence and cert money, which they pay severally to the steward of the manor and to the bailiff. Each serjeant at mace receives to the amount of 5*l.* a year from the bailiff, 2*s.* 6*d.* for every day he attends the sessions, and a fee of half-a-guinea upon the election of a capital burgess or approved man. Serjeants at Mace.

There is also a Beadle, but he receives no regular appointment as such. He is employed to collect the market tolls. He is made a more efficient officer than he would otherwise be, in consequence of being a watchman under the Local Act, which will afterwards be mentioned; this appointment gives him in some respects the character of a peace officer. Beadle.

5. The Courts held within the borough are a Court of Quarter Sessions, a Court of Record, and a Court Leet for the In and Out-hundred. Courts.

The Court of Quarter Sessions is held at the usual periods, and has the same jurisdiction for criminal purposes within the limits of the parish of Andevor as ordinary courts of quarter sessions for a county. An erroneous idea prevailed at one time that none but petty larcenies were cognizable in this court, and the practice used to be to indict for such only. For several years past there have not been more than three felons to try at any one sessions; and even before the summary jurisdiction given to magistrates in cases of assault, not more than two or three misdemeanors upon an average. The court is now frequently without prisoners to try. In the last year, three sessions passed over without a single case. Court of Quarter Sessions.

There is also in the borough a civil Court of Record, which, by the charter, is directed to be held on Monday in every week, before the bailiff and the steward, or his deputy. Its forms of proceeding are the same as those in the superior courts; and it has cognizance of "all actions, real, personal and mixed, which arise within the borough, town and hundred of Andevor, and the jurisdiction and precinct thereof," so that the damage or debt does not exceed 40*l.* This court has now fallen into total disuse, no action having been commenced in it since 1812; and for a long series of years before that date, only one, or at most two, appear on the records. It is not easy to account altogether for its decline; but the low rate of the fees paid to the attornies practising in the court, (stated to be about half those of the superior courts), coupled with the small number of causes that arise in a limited jurisdiction, has no doubt contributed very much to its present deserted condition. The ceremony of opening and adjourning the court is still performed from time to time. Court of Record.

Court Leet.

The Courts Leet are held at Easter and Michaelmas. At Easter a separate court is held at Andevor for the In-hundred, and at Weyhill (three miles from Andevor) for the Out-hundred. At Michaelmas, the Out-hundred is also summoned to Andevor; when the business

Jurors.

of the court leet is completed, the grand jury of the In-hundred is detained to act as the grand jury of the court of quarter sessions. It appears to be owing to this arrangement alone, and to the desire of avoiding the inconvenience of summoning two juries, that it has happened that any jurors of the borough court of quarter sessions are summoned, otherwise than from Aldermen le Grand, Winchester-street and the Priory. At the Epiphany and Midsummer sessions, when there is no court leet, and the jurors are summoned by the serjeants at mace and not by the tithing-man, none are brought from the Out in-hundred. A fine of 1*d.*, called an essoign penny, is payable to the tithing man, and by him to the steward of the hundred, by every man summoned on the leet jury who neglects to attend.

Jurors of the Borough Courts.

The Grand Jury summoned for the Epiphany and Midsummer sessions is taken at the discretion of the serjeants at mace (who have no regular list for the purpose), from among such housekeepers as are neither members of the corporation nor parish officers. The number summoned is twelve. The petty juries, when wanted, are always summoned by the same officer, who makes his own selection, choosing for this purpose twelve of the smaller trades-people, inhabitants of the borough. Journeymen or labouring men are seldom taken, unless they are housekeepers, but very little regard is paid to qualification.

The grand jury now receives no remuneration. The petty jury are paid 1*s.* each for a single trial; if they try two cases, they are some times allowed 1*s.* 6*d.* These fees to the jury and the costs of summoning them are paid by the parish officers out of the poor-rates.

Police:

6. There is no regular Constabulary force at the disposal of the corporation. The two constables already mentioned are the only peace officers appointed by that body in their corporate capacity. An Act for paving, lighting, watching and improving the town was passed in 1815, the commissioners of which are empowered to appoint watchmen, who are authorized to act as peace officers whilst on duty. Three or four night watchmen were appointed in the winter, but they are generally discontinued at other seasons of the year. The limits of the Act are three quarters of a mile from the Guild Hall. The Commissioners named in the Act are the bailiff and approved men, the vicar of the parish, and 63 others, with power to fill up vacancies in the last number of 63. The qualification for election is the possession of the rents and profits of a real estate, or real and personal estate within the borough, of the yearly value of 20*l.*, or a personal estate solely, of the value of 1,000*l.* or the occupation of messuages or lands within the borough, of the yearly rent of 30*l.* The present number of commissioners is about 40; the late town clerk of the borough and bailiff elect is clerk to the commissioners and also treasurer, there being no special clause

Rate.

prohibiting the union of these two offices. The commissioners have power to impose a rate of 3*s.* in the pound on the occupiers of all buildings, yards and gardens above the yearly value of 5*l.* The rate actually levied is about 2*s.*, which is insufficient to allow of lighting the town, but the commissioners are unwilling to press farther on the inhabitants. The trust is indebted in two sums of 700*l.* and 200*l.* raised by way of annuity, besides a debt of 500*l.* to the contractor for the pavement, for which interest is now paid. Additional works are now in progress, for which it is probable that about 300*l.* more will have to be paid. The accounts are not published; they are audited at an ordinary meeting of the commissioners, when the vouchers and expenditure are examined.

County Magistrates.

There are no County Magistrates resident in Andevor. They hold a petty sessions there every Saturday for the neighbouring district.

Gaol.

There is a Gaol in the borough; it was built partly by the parish and partly by subscription; it stands on ground belonging to the corporation. The gaoler is appointed by the borough magistrates; he has no salary and no fees, but he is allowed to live rent free in a house adjoining the gaol. There is no turnkey or other officer under him. There are four rooms for prisoners, but no provision for setting them to hard labour. Five is the greatest number that has been in the gaol at once during the last nine years; now there are four, three imprisoned for one month, and one for three months. The gaol is occasionally visited by the borough magistrates, but not at stated periods. The gaol allowance is 4*d.* per day; this is paid by the overseers of the parish from the poor-rate to the gaoler, who provides for the prisoners. Prisoners committed previous to trial, if willing to work, are allowed 7*d.*; the additional charge is also borne by the parish, which receives the value of the work done.

Whenever prisoners are taken to the county gaol at Winchester, which is but seldom, the expense of removal in like manner is borne by the poor-rate, as are all expenses of every kind connected with the administration of criminal justice in the borough. The repairs of the gaol alone appear to be defrayed by the corporation. The gaol expenses to the parish have averaged rather less than 20*l.* per annum during the last five years. The expense of prosecutions during that period has been as high as 70*l.* in one year. In the last year the sum paid by the parish on this account was only 20*l.*

Revenue:

7. The Revenue of the corporation, from property of every description, for some years past, has not amounted to 300*l.* per annum, including the allowances to the bailiff. A principal

Fairs.

part of it is derived from the profits of the three Fairs held at Andevor, known respectively by the names of the Sheep Fair, the Town Fair and the Mid-Lent Fair; of these, the sheep

ANDEVOR.

sheep fair is by far the most considerable, averaging about 80 *l.* per annum; the three together do not much exceed 100 *l.* The corporation formerly received the profits of the great Weyhill fair, but these were long ago successfully contested by the trustees of Ewelme Almshouses, and nothing is now paid to the corporation but standing tolls of 1 *d.* and 4 *d.* each, amounting in the whole to about 20 *s.* These small tolls are collected for the corporation by the serjeant at mace. The value of the market tolls may be estimated at about 15 *l.* more. The chamberlain appoints a collector to receive these dues for the corporation, allowing him 5 *l.* per cent. on the amount collected. The corporation also possess a farm of about 90 acres, called Down Farm, which was allotted to them, as lord of the manor, on the enclosure of Andevor Down. It was let about fifty years ago for ninety-nine years, on three lives, at a rent of 35 *l.* and fine of 300 *l.* with a covenant on the part of the lessee to lay out 200 *l.* in seven years in buildings, and on the part of the corporation to renew for two lives, on payment of a fine of 25 *l.* for each life. This lease is considered by some members of the corporation as highly improvident. At rack rent it is thought to be worth about 67 *l.* per annum. No other lands belong to the corporation, except two Meadows, let at rack-rent, bringing in about 16 *l.*

Market Tolls.

Down Farm.

Meadows.

On the inclosure of the Downs, the Chalk Pits, of which there are two, were reserved to the corporation. The profits of one are taken by the bailiff, as part of his allowance; the other, rented at 16 *l.* is carried to the account of the chamber. A sum of 5 *l.* 7 *s.* is also received by the chamberlain, in the name of interest on a loan to the trustees of the Winchester turnpike road.

Chalk Pits.

Interest.

The rest of the property of the corporation consists chiefly in quit-rents, derived partly from houses and cottages in Andevor, partly from the hamlets of the out-hundred and out in-hundred. These last are called cert money, and are taken by the bailiff, as has been already mentioned.

Quit-rents.

The rents on the cottages, which are leased for ninety-nine years on three lives, amount to 18 *l.* 6 *s.* 6 *d.*; the usual terms of renewal are three and a half, seven and fourteen years improved value, for one, two and three lives respectively. The old leases used to contain covenants for perpetual renewal, but these have been mostly got rid of. The rack rental of all the houses on this tenure is supposed not to exceed 100 *l.* The account of the whole revenue will therefore stand nearly thus :—

	ACTUAL RENTAL.			ESTIMATED ANNUAL VALUE.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
Down Farm	35	–	–	67	–	–
Meadows and Chalk Pit	32	–	–	32	–	–
Cottages	18	–	–	100	–	–
Fairs and Markets	115	–	–	115	–	–
Interest on Money lent	6	–	–	6	–	–
Bailiff's Allowance	65	–	–	65	–	–
£.	271	–	–	385	–	–

An annual sum of 100 *l.* usually received from the Members for the Borough, and mentioned to have been paid to the bailiff until 1817, was, on the discontinuance of the mayor's dinners, paid over, during ten years, to the Commissioners of the Paving Act. At the end of that time a heavy Debt was contracted by the corporation in the erection of a new Guildhall (notwithstanding a subscription of 1,000 *l.* by each of the members for the borough towards it), and this annual donation of 100 *l.* was devoted to the payment of the interest on that debt. The chamberlain expressed a doubt whether this donation would continue to be paid.

Members' Donation.

Debt.

The annual Disbursements will stand nearly as follows :—

Disbursements.

	£.	*s.*	*d.*
Interest on 2,000 *l.* borrowed on mortgage of the Guildhall	100	–	–
Interest on corporation bonds, 1,100 *l.*	55	–	–
Fee-farm rent to the Crown and others, about	50	–	–
Bailiff's allowances	65	–	–
Other salaries, rates, taxes and incidental expenses	16	–	–
£.	286	–	–

To these regular annual outgoings must be added the expenses of keeping the town-hall and gaol in repair, and occasionally the town-clerk's bill for legal expenses.

In 1832, even with the assistance of the Members' donation, the disbursements came within a few pounds of the receipts.

ANDEVOR.

Accounts.

The chamberlain's accounts are produced only to the common council, and are not examined by them more than once in three or four years. The capital burgesses are not permitted to inspect them.

Remarks.

Andevor has the appearance of a thriving town, and contains many respectable and wealthy inhabitants. There are no villages of any size in the remainder of the parish. Charlton, which is the largest, lies about a mile distant from the town.

The following Table will exhibit something of the progress and actual condition of the borough and parish:—

	POPULATION,		HOUSES.		Registered Voters not of the Corporation.
	1821.	1831.	1821.	1831.	1832.
Parish of Andevor - - -	4,123	4,748	794	966	231
Tithing of Foxcote - - -	96	96	16	18	2
Parish of Knights Enham -	77	123	–	23	2
Total Parliamentary Borough	4,296	4,966	828	1,007	235

The only local Act affecting the borough is the Paving and Lighting Act, 55 Geo. 3 c.

We have annexed to this Report the following documents:—

1. Translation of the Charter 41 Elizabeth.
2. Memorandum of the old Charters.
3. List of the Members of the Corporation.
4. Taxed Bill of Costs in a suit in the Court of Record, 1799.
5. Act for paving, lighting, watching, cleaning and improving the Borough or Town of Andevor.

Edwd J. Gambier.

John Elliot Drinkwater.

629
1089

REPORT

ON

THE BOROUGH OF AXBRIDGE.

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BOROUGH OF AXBRIDGE.

1. The borough of Axbridge is now said to include the whole parish of Axbridge, comprising only 546 acres, besides four or five houses in a part of the town called West-street, which are in the adjoining parish of Compton Bishop. Limits.

The limits are declared to be well known and undisputed, but no perambulation of them has been since 1802, when the commons were inclosed. The old limits, which did not include any part of West-street, are indorsed on a charter granted by Elizabeth, and are there said to be copied from a more ancient one. West-street was afterwards added by a charter of James I., but is therein described as "within the parish of Axbridge aforesaid, and to the said borough adjoining, nevertheless without the ancient bounds and liberties of the same borough." Hence it would seem that no part of Compton parish is added to the borough by this grant, nevertheless the boundary is now taken to include them, and in fact appears to have been occasionally enlarged and contracted with the varying extent of West-street.

2. Axbridge claims to have received its earliest charter from Athelstan, but this rests on very doubtful authority. No transcript of the supposed charter can now be found: the legend seems to be grounded partly on the old form still used of acceptance of a burgess, who is admitted "to enjoy all the liberties of the said borough granted by King Athelstan, or by any other king since;" and partly on an old manuscript among the records of the corporation, which describes the institution of royal boroughs in the time of Athelstan and his immediate successors. This document, however, bears internal evidence of having been written not earlier than the sixteenth century, as it makes mention of the chief officer of Axbridge being then become a mayor "by royal statute," which was not until that time. It describes the constitution of the borough of Axbridge as having been in the time of Edward the Confessor nearly in the same form in which a charter of Philip and Mary declares it then to be and to have been from time immemorial, and adds, that Edward granted to the burgesses the right of hunting and fishing in all places (warrens excepted), to wit, from the place called Cottelisach, as far as the rock called Blackstone, in the western sea. The recital in the charter of Philip and Mary is, "that the borough of Axbridge, in the county of Somerset, is an ancient borough, always having within it 32 men called burgesses, from time to time elected, nominated and appointed out of the more discreet honest men and inhabitants of the same borough; and out of the same 32 burgesses there have been 14 elders or principal men, who were called sokemen or wardmen or aldermen, out of which said 14 aldermen or principal men, the rest of the said 32 have every year chosen and been accustomed to choose a provost or prefect, commonly called the portreeve, and out of themselves a bailiff and two constables and other officers, who should be necessary in governance of the same borough, and this hath always been the usage from time whereof the memory of man is not to the contrary, and yet is now the usage." History.

The thirty-two burgesses of Axbridge are mentioned in Domesday, at the time of which compilation it was a royal demesne. King John, in the fifth year of his reign, granted to the archdeacon of Wells the manor of Ceddre and market of Axbridge, with all their appurtenances, "with soc and sac, and toll and theam, and infangenthef and outfangenthef, and with acquittance of passage and pontage, stallage, talliage, lastage and toll;" also that the men dwelling in the said manor and hundred should not be put in recognitions and juries, and should be free of the suits of the shire and hundred, and of aids of the sheriffs and their bailiffs, and that the sheriff or his minister should not intermeddle with them; also that pleas of the Crown should be held therein by the coroner of the county of Somerset, and Crown prisoners kept in custody by the sheriff of the same county; and that money due to the Crown should be collected by their own bailiffs, and delivered by them to the sheriff; also that the said Hugh, or his heirs or assigns, should not be impleaded for the said manors, but only before the King himself.

Henry III. in the 14th year of his reign (with the consent of Hugh) granted the manor of Ceddre and hundreds of Wenterstoke and Ceddre, with their appurtenances, including the market of Axbridge, to Joceline, bishop of Bath, and his successors, in frank almoign, and the same liberties are confirmed to the men dwelling in the manor of Ceddre and hundreds of Wenterstoke and Ceddre, which had been previously granted by John to the inhabitants of Ceddre, Axbridge and Wenterstoke.

Both these charters were confirmed in the sixth year of Henry VI. "at the request of the burgesses of the town of Axbridge."

AXBRIDGE.

There appears, therefore, to have been formerly a connexion between Axbridge, Chedder and the whole of the hundred of Wenterstoke, now comprising 62,000 acres and 27 parishes, which has long since ceased, so far as relates to community of municipal privileges; those here granted to Axbridge, Chedder and Wenterstoke being retained solely by Axbridge.

Charter of Philip and Mary.

In 1556 Philip and Mary granted to the borough of Axbridge its first charter of incorporation, and created a body corporate, consisting of a mayor and burgesses. This charter, after recital of the old constitution, which has been already copied, granted that there should be in the borough thirty-two of the better inhabitants who should be called the burgesses, as theretofore had been used, of whom 14 should be aldermen; that from the aldermen they should yearly elect a mayor, bailiff, two constables, and other necessary officers; and that the elections and duration of office should be as had been accustomary. Power was then given to the mayor and burgesses (apparently including all the 32) to make bye-laws for the government of the town. The charter also gave them the assize, assay of bread, wine, ale and victuals, and of weights and measures, liberty to hold law days, and the view of frank-pledge twice a year of all the inhabitants and residents within the borough, and to have waifs and estrays. It also granted a Saturday market, and two annual fairs of three days each, with a court of pie poudre during the same. It confirmed the freedom of all the inhabitants from suits of the county and hundred, and from passage, pontage, stallage, lastage and toll, as fully as they had before that time used those privileges.

The charter also granted a court of record to be held every Monday before the mayor, "of pleas, plaints and actions of debts, accounts, trespasses, covenants, contracts, detinues and contempts," within the borough without limitation.

Governing Charters.

This Charter was superseded in 1598 by another granted by Elizabeth. James I. subsequently granted another for the purpose of supplying defects in Elizabeth's charter, and of adding to the borough the West-street, already mentioned. These two are therefore the governing charters. Wherever the charter of James differs from that of Elizabeth, it will be noticed in its place.

There is an entry in the corporation books on 28th November 1684, of an agreement in council to surrender the charters of the borough; and it appears by an old form of admittance of a burgess, "into all the liberties granted by the late King Charles," that Charles II. gave them a new charter in lieu of them. There is no other record remaining with the corporation of this charter, and it may probably be taken for granted that the corporation returned to their old charters under the proclamation of James II.

CORPORATION.

3. Elizabeth's Charter is drawn up in a very careless manner, and in some places appears to be inconsistent. The first defect is in the title. She reduced the number of aldermen to one; nevertheless the title of incorporation given by this charter is "The Mayor, Aldermen and Burgesses." This was remedied by the Charter of James, and the actual title is, "The Mayor, Alderman, and Burgesses of the Borough of Axbridge, in the County of Somerset."

Title.

Constitution.

The Corporate Body, as now existing, consists of a Mayor, Recorder, Alderman, eight capital Burgesses or Counsellors, and an indefinite number of Free Burgesses.

The mayor, alderman and capital burgesses constitute the governing body, and when assembled are called the common council.

Election of Mayor.

The Mayor is elected annually, on the Monday after Holy Cross (14th September) from the capital burgesses, by the majority of an assembly, consisting of the mayor, recorder, alderman and capital burgesses. It is considered that the presence, both of the recorder and alderman is necessary to form an elective assembly. There is no regular order of rotation observed in the election; but it is usual to go through the whole body, or nearly so, before the same person is re-chosen. In this and all other corporate elections, the mayor has a casting vote. The fine for not accepting the office is not fixed. No modern instance of refusal is remembered. The new mayor is sworn before the mayor, recorder or alderman, and four capital burgesses, on the Monday following Michaelmas-day. His office begins on that day.

Election of Recorder.

The Recorder, according to the charter, must be learned in the law. Two years ago, choice was made of a county magistrate, who was not a barrister; but as there were doubts of his eligibility on that ground, he resigned in a few months without having acted. With this exception, the recorder has always been a barrister. Residence is not required. The present recorder lives at Uphill, about eight miles distant from Axbridge. He is chosen for life, or during good behaviour, by the common council.

Election of Alderman.

The Alderman is elected for life from the capital burgesses by a majority of the common council, the recorder having no vote in any election but that of mayor. Notwithstanding that both the charters of Elizabeth and James are precise in declaring the election to be for life, a bye-law, established only a few months after Elizabeth's charter, provided that the mayor of each year should be chosen alderman on going out of office. This object seems to have been attained by causing each alderman, on his election, to subscribe a declaration that

he

he would resign his office at the expiration of a year, and this form was actually observed so lately as the year 1799.

The alderman of 1799 showed a disposition to retain his office after the expiration of the year, but was induced to resign by the threats of one of the capital burgesses, who had then acquired great influence in the common council, and who, thereupon, procured himself to be elected, and retained the office during sixteen years, and until he was deprived by a vote of common council. He had ceased to reside in the borough for some years. He had lived at Uphill, eight miles distant; but always used to attend when summoned. He became insolvent, and was thrown into gaol; but notwithstanding this, his ascendancy in the borough had been such, that he lay eight or ten months in prison before he was removed from his office of alderman, and he was allowed, although remaining in gaol, to retain that of capital burgess until his death, which happened only two years ago. The alderman who succeeded him in 1816 still holds the office, and has always been resident in the borough.

Election of Capital Burgesses.

The Capital Burgesses are chosen for life from the burgesses by a majority of the common council. Sometimes an inhabitant is chosen a free burgess, that he may be immediately elected a capital burgess; but it is by no means usual; only two of the present number of capital burgesses were elected in this manner. They must be resident when chosen, and are generally deprived on becoming non-resident, if they cease to attend when summoned. There is an ambiguity in Elizabeth's charter with respect to the election of the capital burgesses. In one part of it, the election is ordered to be by the mayor, recorder and alderman, or two of them (of whom the mayor for the time being is to be one); in a subsequent part the election is given to the common council, in the form actually practised. James' charter only provides that the election is to be as has been used; but it may perhaps be taken as evidence of the usage before James' charter, that as far back as remembrance goes, the election has been by the common council.

There is one vacancy at present among the capital burgesses. All the seven are resident in Axbridge. It has been occasionally found necessary to threaten to fine for non-acceptance of the office of capital burgess, but an instance has hardly ever occurred of its being necessary to enforce it. The fine is not fixed. In 1754, a fine of 10*l.* was actually imposed; but was remitted on submission of the party.

Election of Free Burgesses.

The power of electing Free Burgesses out of the Inhabitants is given by the charter of Elizabeth to the common council, and there is no method of becoming free but by such election. They are chosen for life. Nothing appears in this or any other of the charters to warrant any necessary limitation of the number of free burgesses; but the common council, observing the old constitution previous to Mary's charter, have been careful never to exceed the number of 22, with the mayor and alderman. The present number is 17. James, in his charter, makes no specific mention of the election of free burgesses; but he added a prohibition, that "no stranger or foreigner, unless he was a free man (*liber homo*) of the borough, should thenceforth sell any wares or merchandize within the borough, its liberties and precincts, otherwise than in gross, or other than all necessary articles for victualling of the borough," unless in fair-time. If the corporation have put the right construction on their charters, it seems almost a necessary consequence, that the freemen mentioned in James' charter must have been a different and more numerous body than the free burgesses. There is not, however, any trace of the formal recognition at any time of a more numerous body than that of which the corporation now consists. The inhabitants generally are compellable, by fine and imprisonment, to take on them the office of free burgess, and several of the inferior offices of the corporation are always filled by some of the inhabitants who are not free burgesses. On ceasing to reside and attend, the free burgesses are generally deprived of their franchise.

Although the election of free burgesses is given by the charter absolutely to the common council, yet the custom has prevailed for the free burgesses to present to the common council the names of such inhabitants as they desire to have added to their number, and their recommendation is generally attended to.

Fees.

The only Fees paid on any election are on the admission of an inhabitant to be a free burgess. These are not paid to the common council, but are received by the free burgesses themselves. The admission fee of one born in the town is 11*s.*; of a stranger is 13*s.* 4*d.* Until 1812 it was the custom that the newly admitted burgess should give a dinner to the others, but that is now discontinued, and instead of it 10*s.* 6*d.* is paid to the burgesses' fund.

Privileges.

The corporation have no peculiar exemptions. All the inhabitants of the town are exempt from serving on county juries and inquests out of the town. A discussion took place lately with respect to the juries of the commissioners of sewers, who exercise at Axbridge and in the neighbourhood a very important duty. It was compromised in the way that will be presently described.

Bye-laws.

The common council have now the power of making Bye-laws, for which there is rarely occasion. The only written collection of them is the original compilation in 41 Eliz.,

AXBRIDGE.

immediately after the grant of her charter. Those are there said to be made in "the council-house by the free and general consent of the mayor, aldermen and the whole common council with the consent of all the burgesses there." The charter of Philip and Mary gave the power of making bye-laws to the mayor and burgesses. The more recent charters do not require the concurrence of the free burgesses, and they would not now take any part in framing such as might be wanted.

OFFICERS.

4. The judicial and ministerial Officers of the corporation are—

Mayor.	Two Constables.
Recorder.	Two Moor Wardens.
Alderman.	Two Bread Weighers.
Bailiff.	Two Shamble Wardens.
Town Clerk and Prothonotary.	Two Street Wardens.
Chamberlain.	Two Ale Tasters.
	Two Leather Sealers.

Mayor.

The Mayor is necessarily present and presides at all corporate meetings; he is a justice of the peace within the borough, and as such sits in petty session every Saturday. The business of the weekly meeting is small. A week seldom goes by without two or three summonses; the greatest number is from eight to ten, except at the fair-time, when there is frequently a much larger number. He presides also at the court of quarter sessions, when present; he acts as clerk of the market, which duty belongs to his office by the charter, and holds a court of pie-poudre during the fair. He receives a salary of 4*l.* to cover his expenses in attending the assizes and others incident to his office. He has no other emolument of any kind. The salary used formerly to be 20*l.*, but about 13 or 14 years ago the corporation agreed that the salary should be discontinued, in order to devote the money to some needful improvements in the town.

Recorder.

The Recorder is also a justice of the peace in the borough; he does not attend to the ordinary magisterial business, unless summoned; nor is he always present at the quarter sessions, unless in cases that are expected to be complex. He votes in the election of mayor, but takes no part in any other proceedings of the common council. He has no salary. He used to receive 20 guineas, but the corporation resolved on discontinuing that salary at the same time as the mayor's; and on the resignation of the gentleman, who was then recorder, it was not granted to his successor.

Alderman.

The Alderman is also a justice of the peace within the borough, and sits with the mayor every Saturday in petty sessions, and at the quarter sessions. He never had any salary.

The borough magistrates claim to have exclusive jurisdiction within the borough, and have resisted the execution of the warrant of a county magistrate, unless backed by one of themselves. This does not appear to be borne out by the charter.

Bailiff.

The Bailiff is elected annually, and sworn on the same day with the mayor. He is directed by the charter of Philip and Mary to be elected as theretofore was used. And according to the recital in that charter the usage was, that "out of the fourteen aldermen, the rest of the thirty-two chose a Portreeve, and out of themselves a Bailiff and two Constables and other officers." It appears certain, therefore, that under Mary's charter the bailiff was chosen by the free burgesses out of their own body.

The charter of Elizabeth is ambiguous in this respect; it grants first to the mayor, alderman and burgesses that the common council shall elect "one of the burgesses" to be bailiff, and then provides that if he should happen to die or be removed from his office within the year, the common council may elect for the remainder of the year "another out of themselves as bailiff." The eight capital burgesses are also appointed to aid and assist the mayor, alderman and bailiff in the government of the town. This seems to point him out as one of the common council, which yet he would not be, unless chosen from the capital burgesses. If this last observation is got over, the mode of reconciling the former two passages seems to be by referring the words "of themselves" not to the body by whom the election was to be made, but to the body of mayor, alderman and burgesses, to whom the grant was made; and it will be observed, that this phrase "*de seipsis*" occurs most frequently in the grants of electing a bailiff, coroner and escheator, who were otherwise royal officers, and appointed by the crown.

The bye-laws of 1589 clearly point to the bailiff as elected from the free burgesses, and so he continued to be until the year 1801, since which time the bailiff has always been chosen from the capital burgesses, which has occasioned some dissatisfaction among the free burgesses; and this appears to be now almost the only dispute in the corporation. The office is not lucrative, as the only emolument which belongs to it is the possession of a piece of ground called Bailiff's Wall, about an acre in extent, which in 1801 was let for two guineas and a half. The burgesses claim this piece of ground as their property, independently of the claim which they also advance to the office. The bailiff executes all processes within the borough by himself or his officers, and has the custody of the borough gaol. It is very common now to choose the mayor of the preceding year to be bailiff, but sometimes the office of bailiff is filled before that of mayor.

Town Clerk.

The Town Clerk is appointed during life or good behaviour by the common council. He is prothonotary (*ex officio*), clerk of the peace, and clerk of the indictments. He acts also as clerk

clerk to the magistrates. He has a salary of 40 *s.* besides the fees of his office, which are stated not to exceed 3*l.* or 4*l.* per annum. He is solicitor to the corporation, and makes a separate charge for business done in that capacity. He is also steward of the manors, of which the corporate body is lord, and holds the court baron for each of them. He is empowered by the charter to appoint a deputy. The present town clerk has acted in that capacity for 35 years; he is one of the capital burgesses, and therefore it is the practice for the deputy to record all the proceedings of the common council. The deputy is appointed and paid by the town clerk. The present town clerk has been twice chosen mayor since he was first appointed to the office: on each occasion a deputy was appointed to do all the business and receive all the fees of the town clerk's office; but this does not appear to obviate the objections to such a practice. AXBRIDGE.

The Chamberlain is appointed from time to time by the common council from the capital burgesses. Latterly he has usually held his office during three or four years. He is the treasurer of the corporation, except with regard to the small property, which the free burgesses manage for themselves. He receives the rents and makes the disbursements. He has a salary of three guineas, which has undergone no alteration for many years. Chamberlain.

The chamberlain's accounts appear to be examined only on his going out of office; they are then audited by the whole common council, but are not published, nor have the free burgesses access to them.

The two Constables are chosen annually from the free burgesses; they and all the other inferior officers are elected on the same day with the mayor, and sworn at the next following quarter sessions. The mode of election is by presentment of the free burgesses of two among themselves to the common council, by whom they are elected. The constables have no salary; they act as the bailiff's officers, and receive the fees for executing summonses and warrants. They also assist the bailiff in the superintendence and care of the gaol; they have no special appointment to this duty, but take it as an incident to their office. Eight of the inhabitants, not free burgesses, are generally sworn as deputy constables, and assist the constables when required. Constables.

Two Serjeants at Mace are now appointed. No such officers are mentioned in the charters previous to that of James. He granted one serjeant at mace; but it appears by the record of a herald's visitation in 1623, the same year in which that charter was granted, that there were then two, and that number has always continued. They are chosen annually from the inhabitants of the borough, who are not free burgesses; one acts as under-bailiff to the manors, and as crier; their duty is to wait on the corporation; they receive a salary of four guineas each. Serjeants at Mace.

All the other inferior officers are also appointed annually from the inhabitants of the town, who are not free burgesses, and receive no salary or emolument of any kind.

The duties of the Moorwardens are now nearly obsolete since the enclosure of the commons, the superintendence of which formerly belonged to them. Moorwardens.

The Shamble Wardens have the inspection of meat, fish and butter. They still exercise their functions, and have the power of seizing bad provisions of the kinds which they inspect. Shamble Wardens.

The Street Wardens remove nuisances and obstructions in the street, and notice offenders. They are the only persons charged with this branch of police, and continue to exercise the same functions which they have always done. Street Wardens.

The duties of the Bread Weighers are now at an end; they used to go round the town to weigh the bread in the bakers' shops. Bread Weighers.

The office of the Ale Tasters and Leather Sealers has been long obsolete, but these officers are still annually appointed. Ale Tasters. Leather Sealers.

The distinction which is made among the inferior officers, of choosing the constables from the free burgesses, and the other inferior officers from the inhabitants at large, appears not to be warranted by the charter.

The charter of Philip & Mary, after mentioning the fourteen aldermen, recites, that the rest of the thirty-two burgesses have always chosen out of themselves a bailiff, two constables and other necessary officers. The corresponding part of Elizabeth's charter is worded nearly in the same form as that other part which prescribes the election of the bailiff. It first directs, that the common council shall annually appoint such constables and other inferior officers and ministers as the burgesses or rulers of the borough have usually had; it then provides, that in case any inferior officer or minister shall die or be removed within his year, the common council may elect another of the burgesses of the borough into his room. It therefore appears certain, either that all the inhabitants who are now considered eligible for these inferior offices, and who are held to be compellable to serve them by fine and imprisonment, must have been included in the term burgesses, or that the inhabitants have submitted to duties confessedly onerous, for imposing which on them no warrant can be found in the charter. Indeed it is not easy to conceive the nature of or force of an obligation on them to take office in a corporation of which they do not form a part, and the ruling body of which they are not sworn to obey, as free burgesses are, unless in the exercise of the office so forced upon them.

AXBRIDGE.

COURTS.

5. The Courts which the corporation are empowered to hold are—

A Court of Record;
Court of Quarter Sessions;
Court of Pie Poudre;
Court Leet, and
Court Baron.

Court of Record.

The Court of Record is totally disused: the last plaint entered was in 1757, and nothing is known of its forms of procedure. The original grant of it by Philip & Mary has been already noticed. By Elizabeth's charter it was to be held every Monday, before the mayor, recorder and alderman, or any two or one of them in the absence of the rest, and might hold pleas of all actions, suits and demands of all manner of trespasses personal with force of arms, and all other trespasses, debts, actions on the case, deceits, accounts, covenants, detinues of charters, writings and muniments, and chattels, taking and detaining of cattle (*averia*), and chattels, and other contracts whatsoever, from causes arising within the borough, although the same amount to or exceed the value of 40*s*. Power is given to the mayor to admit two attornies, and the proceedings are directed to be according to the law and custom of England, and in as ample form and manner as in any other court of record in any city, borough or corporate town in the kingdom.

Some notice has been recently taken in the borough of the discontinuance of this court, and it is possible that some steps might have been taken for reviving it, but that it seemed advisable to await the issue of the commission now in progress.

Court of Quarter Sessions.

The magistrates of the borough under Elizabeth's charter were empowered to inquire only of trespasses, misprisions, and other minor offences; but by the charter of James power was given to any two of the three (with the superfluous provision that the mayor or recorder must be one of the two) to inquire of all felonies other than capital, misdeeds and offences, within the borough, and to hold general sessions and justice of the peace, as fully as might be in any county, borough or town corporate in the kingdom. It appears, however, that this power is not exercised to its full extent. Serious offences are generally sent to the county gaol at Shepton Mallet to be tried at the Somersetshire Assizes or Quarter Sessions; the average number so sent is stated to be from eight to ten, and not more than four on an average are tried in the borough.

Jurors.

The Grand Jury generally consists of all the free burgesses, of whom, as has been already said, the number never exceeds 22, and is more ordinarily 17 or 18; it is never allowed to get below 13. The petty jury is summoned from the inhabitants, who are not free burgesses; the burgesses are exempted from serving on the petty jury. There is no jury list, and little regard is paid to qualification; care, however, is taken to select householders. The panel made out for each session generally consists of 17 or 18 names.

Expense of Prosecutions.

The Expenses of Prosecutions at the borough sessions are paid by the prosecutors; they are said to be in general very trifling: 2*s*. 6*d*. is charged for the indictment, unless special, and 1*s*. for swearing each witness. This is the total amount, unless witnesses are brought from a distance, which is rarely the case in prosecutions that are tried at the borough sessions.

Gaol.

The borough Gaol is merely a lock-up of two rooms, with a court annexed to it. Prisoners have been sentenced to confinement there for a month, and frequently for less periods. There is no fixed gaol allowance, but the prisoners are maintained and the gaol kept in order at the expense of the corporation. The expense of removing prisoners to the county gaol is paid out of the county rate, and that has been paid when prisoners have been sent for custody to Shepton Mallet, and brought back to Axbridge for trial. That is thought to be more economical to the county than trying them at the county sessions.

The magistrates visit the gaol regularly whenever any one is confined there, besides which the bailiff in that case visits it once or twice daily. During the fair, as many as 20 persons have been confined in those two rooms sometimes for two or three nights together. Females are never sent to the gaol while male prisoners are there, but are kept in the bailiff's custody in a strong room at one of the inns. There is no other prison for the court of record in case of its revival.

Court of Piepoudre.

The Court of Pie Poudre is held for settling disputes during the fairs, and is in constant use. The mayor presides at it.

Court Leet.

Commissioners of Sewers.

The Court Leet is now discontinued under the following circumstances: a dispute arose between the corporation and the Commissioners of Sewers, whether the exemption from serving on juries enjoyed by the inhabitants of Axbridge, extended to the juries summoned under the authority of the commissioners. About eight or ten years ago, some were summoned and fined for non-attendance, and the fines estreated. The matter was finally compromised by agreement, that a jury of the inhabitants of Axbridge should take purview of the water-courses in their own parish, and also attend the annual meeting of the commissioners, which is always held in Axbridge. During the last four years the leet jury has not been summoned, as it was found that the duty that devolved on the jury of water-courses superseded most of those which they formerly exercised.

Court Baron.

The corporation is lord of the manor of Axbridge and sub-lord of Axbridge-cum-Chedder, Axbridge-cum-Bishop's Compton, and Axbridge-cum-Loxton. A Court Baron is held once a year at Axbridge for the manor of Axbridge, generally in October, and once in one or two years

AXBRIDGE.

years at Chedder for that manor. The tenants of the other courts are summoned to Axbridge. The principal business of these courts is, to admit tenants by copy of court roll, to present the state of the property, the condition of the roads and fences, and who ought to repair them. The town clerk holds these courts as steward of the manors of the corporation.

POLICE.

6. The provision for the Police of the town is by the appointment of the street wardens and constables, already named. There is no local Act. The town is not lighted. The pitching of the streets and the sewers are repaired by the corporation.

PATRONAGE.

7. The corporation has no Patronage in their gift. They are made auditors of the accounts of a charity, of which the overseers of the parish act as trustees, and are directed to recommend the objects of the charity, to which however the trustees are not bound to adhere. The particulars are stated in the 13th Report of the Commissioners for inquiring into Charities, pp. 135 *et seqq.*

REVENUE.

8. The Revenue of the corporation is now almost entirely derived from quit rents. They are also entitled to the tolls from the fair and market. These have not been levied for some years, but as the corporation have recently built a new market-house, it is in contemplation to renew them. The rents of the standings in the market do not amount to more than 4*l.* or 5*l.* after paying the expenses.

Until 1794, almost all the property of the corporation was held on leases for 99 years, on three lives. In that year it was determined to turn these leases into terms of 1,000 years. A rent was reserved on each equal to two and a half times the old rent, and was to begin from the day of the sale. On these terms the lands were put up to auction. It appears, however, that only a small part was sold by public auction, but a great deal by private contract. Only one lot was sold to a member of the corporation. In every case the refusal was given to those who had lives on the property. Land continued to be sold in this manner until three or four years ago, and now there is but a very small quantity held on the original tenure. Most of it was sold in 1794 and 1795; nearly 1,400*l.* was received in those two years, and appears to have been expended partly in the liquidation of old bond debts, partly in defraying the expenses of a brick-yard, which was then managed for the corporation by the chamberlain and was a losing concern. The accounts of this period, however, are not in good order, and I did not obtain a satisfactory explanation of these transactions. The cause of the defective entries in the books was stated to be, the death of the chamberlain and the falling of his papers into the hands of some, who had avoided delivering in the particulars of his discharge. These sales are said to have operated beneficially on the general improvement of the town by encouraging builders, but they proved a very unfortunate speculation for the corporation.

The Axe drainage which took place a few years afterwards at a cost of 70,000*l.*, improved the value of property in the neighbourhood of Axbridge so much, that land which before that time was reckoned worth only 2*s.* 6*d.* an acre is now rented at 5*l.* and 6*l.* An instance was mentioned to me of land that used to be let at 1*s.* an acre which is now let for 3*l.* an acre; the assessment on this land towards the drainage was about 10*l.* per acre, paid in the course of four years.

The total amount of the rents of the corporation from every source is about 100*l.*, and by far the greatest part of it in late years has been laid out in improvements of the town. There is a debt of 470*l.* (besides floating balances) which has been incurred in rebuilding the guildhall and market-house. The total cost of that building and the improvements connected with it has been about 1,800*l.*

BURGESS FUND.

The Burgesses manage some small property belonging to them, independently of the common council. It consists in a piece of ground of about 2¼ acres, of which they receive the rents. They used to have also the profits of the "Bailiff's Wall" until 1801, up to which time the bailiff was chosen from among them. They then received for it two guineas and a half. The fees on admission of a free burgess are also paid to this fund. The constable keeps the account, which is annually audited by the whole body of the burgesses. The money is divided among them or spent in dinners. The dividends vary from 5*s.* to 10*s.* each.

REMARKS.

9. The peculiar situation of Axbridge gives it rather more importance than it would seem to claim from its size. Placed close under the Mendip Hills, it is the most convenient centre of business for the flat country, which lies to the southward of them. It is more especially connected with the adjoining parishes of Chedder, Weare and Bishop's Compton; and in the event of a more extended jurisdiction being thought desirable, the addition of these parishes appears unexceptionable. The connexion between Axbridge and Chedder especially has always been very close, as has been noticed in the account of the charters. Chedder is a straggling village, much larger than Axbridge, but the houses are of an inferior description. There are four paper mills there. The principal occupation of the inhabitants is in the management of their dairy farms. The principal houses of Compton are at Cross on the direct road between Bristol and Bridgewater, about three quarters of a mile from Axbridge.

Axbridge is 12 miles from Wells, which is the nearest town on the eastward, and 18 from Bridgewater and Bristol, the nearest respectively on the north and south. The town is in an improving condition; it is in contemplation to establish a cheese market, which is expected

AXBRIDGE.

expected to be very beneficial. It used to be a place of manufacture for stockings, but that trade was destroyed by the introduction of machinery, and the prosperity of the town declined until a fresh impulse was given to it by the drainage of the adjacent levels.

TABLE showing the Condition of *Axbridge* and some adjoining Parishes.

	Acreage.	1821.		1831.		County Votes in 1832.
		Houses.	Population.	Houses.	Population.	
Axbridge - - -	540	186	988	179	998	43
Chedder - - -	6,690†	327	1,797	413	1,980	174
Compton Bishop -	2,510†	75	513	100	554	27
Weare - - -	1,000	152	800	126	764	60

* The number would be much greater, were it not for the peculiar tenure of the Houses under the Corporation for terms of 1,000 years, requiring the yearly value to be 50*l.* Most of the Votes in Chedder are freeholds.

† Great part of this is on the Mendip Hills; the Population is in a much smaller compass.

I transmit with this Report a copy of the Manuscript referred to in the Report; copies of the Charters of Henry VI., Philip & Mary, Elizabeth, and James I.; and a List of the Corporation.

J. E. Drinkwater.

REPORT

ON

THE TOWN OF BASINGSTOKE,

(HAMPSHIRE.)

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TOWN OF BASINGSTOKE.

THE Limits of the borough of Basingstoke are co-extensive with those of the town and parish; they are occasionally perambulated; there is no dispute respecting them. Local Limits.

The Legal Style of the corporation is "The Mayor, Aldermen and Burgesses of the town of Basingstoke, in the county of Southampton." Legal Style of the Corporation.

There have been two Charters granted to the corporation, the first 20 James I. and the second and last 17 Charles I.; by the last charter the style of the corporation was altered; in all other respects there is no difference. Charters.

The Bodies composing the corporation are the Mayor, seven Aldermen and seven Burgesses. Bodies composing the Corporation.

The Mayor is elected out of the aldermen by the mayor, aldermen and burgesses, or by the major part of them, of whom the mayor must be one, annually, to serve for one year or until another be chosen and sworn. In modern times the mayor has never held over. The practice has usually been to elect the aldermen in rotation. The mayor is a justice of the peace for his year of office, and for one year thence next following. He is keeper of the gaol, and he presides at the quarter sessions. He has a casting vote in the election of members of the corporation. The mayor may be removed from his office by the aldermen and burgesses or the major part of them, for the ill government of the town or for other reasonable cause. The allowance granted to the mayor is 20 *l.* per annum. James Warne, esq. is the present mayor. The Mayor.

The Aldermen are elected by the mayor, aldermen and burgesses out of the seven burgesses. One of the aldermen is elected annually to serve as a justice of the peace for a year. The aldermen may be removed from their office by the mayor, aldermen and burgesses for "ill carriage or other reasonable cause." The aldermen have no emoluments from the office. Aldermen.

The Burgesses are elected from the inhabitant householders of the borough, by the mayor, aldermen and burgesses. The burgesses have neither salaries nor allowances. Burgesses.

The following are the names and professions of the aldermen and burgesses, with the date of their elections.

ALDERMEN.

Thomas May, common brewer	7 April	1795.
Robert Hulbert, sen., esq.	2 Oct.	1797.
Charles May, sen., common brewer	3 Sept.	1810.
Charles Hawthorne, esq.	7 Sept.	1812.
James Warne, attorney-at-law	12 Oct.	1820.
William Anthony Lewis, attorney-at-law	5 Oct.	1829.
John Simmons, banker	3 Sept.	1827.
Richard Eyles, esq.	14 March	1833.

BURGESSES.

Charles May, jun., common brewer	4 Oct.	1824.
Thomas Workman, surgeon	29 Sept.	1829.
Charles Headeach, gentleman	29 Sept.	1829.
Robert Hulbert, jun., chemist	1 Oct.	1832.
John Osmond Nicholls, surgeon	14 March	1833.
John Sansom, schoolmaster	14 March	1833.

Messrs. May are related, Messrs. Hulbert are related, and Mr. Headeach and Mr. Workman are related. Relationship of Members of the Corporation.

The mayor, the seven aldermen and the seven burgesses form the Common Council of the borough, to be assisting, aiding and consulting the mayor in all causes, matters and things in anywise touching or concerning the town. Common Council.

The Officers of the corporation are the high steward, the recorder, the town clerk, two serjeants at mace and two constables. Officers of the Corporation.

The High Steward is elected by the common council, he acts as a judge of the court of record, he is also steward of the court of ancient demesne; he has no other duties, nor has he a salary. Charles Shaw Lefevre, esq. barrister-at-law, is the present high steward. The High Steward.

The Recorder is appointed during pleasure by the common council; he is a judge of the court of record, he acts as judge at the sessions, and he attends when prisoners are to be tried. The recorder is a justice of the peace for the borough. When he attends the sessions he is allowed three guineas for his travelling expenses. The recorder may appoint a deputy, who, on being sworn, may act as a justice for the borough. The present recorder is Charles Shaw Lefevre, esq. barrister-at-law. Recorder.

BASINGSTOKE.

Town Clerk. The Town Clerk is elected by the common council. He is clerk to the magistrates, solicitor to the corporation, steward of the court leet, and he acts as officer in the court of record. The whole of his emoluments connected with his office of town clerk do not exceed 100 *l.* per annum. He holds his office during pleasure; he may appoint a deputy. The present town clerk is William Anthony Lewis, attorney-at-law.

Serjeants at Mace. The Serjeants at Mace are appointed by the common council; they serve process issuing from the court of record; they attend the mayor and corporation on public occasions. They receive salaries of 5 *l.* each per annum; they are allowed 5 *s.* each when they attend the mayor on public occasions; they have fees on service of process, besides a new gown each annually, or 50 *s.* in lieu thereof, and a new hat occasionally.

Constables. The Constables are appointed at the sessions by the court, they are paid by the ordinary fees of office.

Town Crier. The Town Crier is appointed by the common council, he has a gown and a hat, and 6 *l.* per annum.

Fines. The corporation do not and have not imposed Fines on their own members or on any other persons for not accepting offices.

Fees. A Fee of 10 *s.* 6 *d.* is payable to the town clerk by an alderman and a capital burgess on election. The present town clerk has never charged such fee.

Police. The Police Force of the borough is composed of two constables, two tythingmen and one beadle. The tythingmen are appointed at a court leet, the beadle at the vestry. The force is not sufficient for the protection of the town.

Justices of the Peace. The high steward, the recorder, the mayor, the mayor of the preceding year, and one of the aldermen annually elected, are the Justices of the Peace for the borough. The jurisdiction is exclusive.

Court of Record. A Court of Record is held on the Tuesday in every week before the mayor, chief steward and the aldermen, who shall last have served the office of mayor or any of them, for the recovery of all contracts, covenants, debts, accounts and calculations, and whatsoever other things and actions personal arising within the town or limits, not exceeding the sum or value of 10 *l.* The court has fallen into desuetude. Since the year 1819, only one action has been commenced, and that proceeded no further than the issuing of the summons. The cause of the disuse of the Court was attributed to the nature of the rules and to the exceedingly limited amount of fees which are said to be quite inadequate to the remuneration of attornies practising therein. A copy of the rules and fees are annexed to this report. It was stated if the rules were settled and the fees of the court revived, the court would be of essential service to the inhabitants of the town.

Sessions of the Peace. The Sessions of the Peace are held regularly twice a year, and when there are prisoners for trial, every quarter of a year. Power is given to try all offences not touching life or member. In serious cases the magistrates commit to the county gaol. In the year 1830, three persons were tried for felony and all were convicted; in 1831, one trial and one conviction; and in 1832, there were 47 trials and four convictions.

Petty Sessions. Petty Sessions are held every Tuesday, or oftener, if required.

Court of Pie Poudre. The charter grants a Court of Pie Poudre, which has never been held in the memory of the present authorities.

Court of Ancient Demesne. The Court of Ancient Demesne has been held three or four times in late years before the high steward or his deputy. Fines are levied and recoveries suffered in this Court of ancient demesne lands within the manor of Basingstoke.

Court Leet. There is a Court Leet for the hundred of Basingstoke having jurisdiction over 19 tythings. The court is held before the town clerk as steward of the leet. The business is now reduced to the appointment of tythingmen and the return of resiants within the respective tythings.

Juries. Both the Grand and Petty Juries are summoned by the constable; the members of the corporation are never summoned. The foremen of the juries are selected by the court when the parties composing the jury are assembled. The list is made and returned every sessions, and additions are made when parties in the opinion of the constables become qualified. It was stated the jury list was not sufficiently comprehensive.

Gaol. The Gaol is a modern building, it was erected 18 years ago; it consists of three apartments with a yard attached to it. There are no means of putting prisoners to work or of classification. The longest period for which persons are sentenced to confinement is a month.

Schools. Richard Aldworth, by his Will dated 21st December 1646, bequeathed certain monies to the corporation of Basingstoke, and he directed they should pay out of the rents of lands in which the monies were to be invested, for the education and bringing up of ten poor male children of Basingstoke, for their meat, drink and clothing, the sum of 6 *l.* 13 *s.* 4 *d.* for each of such children. The money (2,000 *l.*) was invested in the purchase of two farms in the year 1679, which farms were sold by virtue of an Act 53 Geo. III. intituled, "An Act for sale of an Estate in the parish of Bentworth, in the county of Southampton, which has been purchased with a Legacy given by the Will of Richard Aldworth, esq., for certain charitable purposes, and for applying the money arising from such sale to the like purposes."

The

BASINGSTOKE.

The produce of this sale, 3,800 *l.* 1 *s.* 5 ½ *d.* was invested in the Three per cent. Consols, in the name of the mayor, aldermen and burgesses of the town of Basingstoke, trustees of Aldworth's Charities. The corporation appoints the master, and there are now nine boys who are fed, clad and educated in this school. The corporation nominate the children, who are taught reading, writing and arithmetic; they are admitted at seven years old, and go out at 14, when they are placed as apprentices, with an allowance of 50 *s.* each for clothing. The corporation also nominate an usher to the Holy Ghost Free Grammar School, to whom they pay 20 *l.* per annum, under the will of Sir James Lancaster. By letters patent, bearing date 24th February, 3d and 4th Philip & Mary, certain lands were granted to the aldermen and wardens of the guild or fraternity of the Holy Ghost, to the intent that with the revenues they should from time to time for ever find a fitting priest, as well for the celebration of divine service as for the instruction and education of the youth and boys of the said town. Before the year 1669, the corporation called "The Fraternity of the Holy Ghost" had ceased to exist, and there were disputes as to the right of appointing the master. The right has, however, been long exercised by the crown, (*vide* 14th Report of the Commissioners for inquiring concerning Charities, p. 377.) There are now 13 scholars in the school. The classical education is free, but the scholars pay 3 *l.* per annum each for English education, and they also pay for books. Boys from the neighbourhood pay 4 *l.* 4 *s.* per annum.

Charities.

The corporation are trustees for several Charities; they have faithfully performed their duty as trustees. In the management of the schools their conduct has been marked with the greatest liberality; they have augmented the donations of individuals applicable to the purposes of education, and they have also, from time to time, expended considerable sums in promoting and extending the education of the inhabitants. Sir James Lancaster, by his will, bearing date 18th of April 1618, reciting, that he had by a certain indenture levied a fine to Sir W. Cockaine, Richard Wich and Robert Bateman, skinner, of London, and their heirs, of the manor of Maydenwell, and other lands therein described, in the county of Lincoln, and in the parish of Pamber, in the county of Southampton, such fine to enure to the use of such persons and to such purposes as he the said Sir James Lancaster should appoint; and further reciting, that by indenture inrolled in the Court of Chancery, he had bargained and sold to the said Sir William Cockaine, Richard Wich and Robert Bateman, and their heirs, a yearly rent of 100 marks, issuing out of certain lands belonging to Lord Wotton, in trust, to be disposed of as he should afterwards direct, appointed that the said conuzees should stand seised of the said manors, lands and tenements, to the intent that the rents and profits thereof should be paid to the Skinners' Company, London, who should distribute and bestow the same to such persons and in such manner as thereinafter expressed; viz. that they should pay to the churchwardens and the lecturer and bailiffs of the town and parish of Basingstoke, and their successors, yearly, 103 *l.* 6 *s.* 8 *d.* to be distributed by them as follows: the sum of 30 *l.* to the poor, 40 *l.* to a preacher to be appointed by the corporation, 20 *l.* towards the free school of Basingstoke, and the sum of 13 *l.* 6 *s.* 8 *d.* for a petty schoolmaster, to teach little children to read and write. Out of the residue of the rents, &c., to be directed, 45 *l.* to be divided among three poor scholars at either of the Universities. To the widows of freemen of the Skinners' Company, 20 *l.*; to four poor preachers, each 5 *l.*; towards the maintenance of a schoolmaster, for a free school at Kingsclere, 20 *l.*; to the Skinners' Company for their pains, 35 *l.* and 3 *l.* 6 *s.* 8 *d.* for a dinner; and he directed his executors should purchase either lands or houses in London, to the value of 30 *l.* or 40 *l.* per annum, to be made over to the Skinners' Company, first to pay 15 *l.* per annum in addition to the 30 *l.* already given to the poor, and 15 *l.* per annum in addition to the 45 *l.* given to three poor scholars, so as to make the number four.

About the year 1713, the mayor, aldermen and burgesses, with other parties, having applied to the Court of Chancery respecting the property bequeathed to the Skinners' Company, and the said Company having stated that the trust estate was not sufficient to answer the payments appointed by the testator, and therefore they could not pay all the demands of the charities in full, the mayor, aldermen and burgesses undertook, in case the trust reposed in the Skinners' Company should be transferred to them, they would give security to pay all the charities their full demands. Whereupon the trust was transferred by the Court of Chancery to the said mayor, aldermen and burgesses of Basingstoke, and it was ordered that the payment of 35 *l.* per annum to the Skinners' Company should in future be disallowed. The property was then transferred to the corporation, and they have since disbursed it strictly, according to the will of Sir James Lancaster, as follows:

To the Skinner's Company:	£.	s.	d.
For four poor Scholars at the University	60	–	–
For Widows of Freemen of the Company	20	–	–
For four poor Preachers	20	–	–
Allowance to the Company for their Dinner	3	6	8
To the Master of Free-school at Kingsclere	20	–	–
To the Churchwardens of Kingsclere, for the Poor	10	–	–
To the Lecturer at Basingstoke	40	–	–
To the Master and Usher of the Holy Ghost School	20	–	–
To the Master of Petty School, now united with the National School	13	6	8
To poor People in Basingstoke	45	–	–
	£.251	13	4

BASINGSTOKE.

Besides maintaining the free school, the funds of Aldworth's Charity are applied, according to the will of the donor, to the relief of poor persons. The same may be stated as to the funds derived from the charities of Sir James Dean, Sheppard's, Wigg's, Stocker's, Payne's, Pemerton's and Smith's, all of which have been examined by the Commissioners for inquiring concerning Charities—(*vide* Fourteenth Report.) The corporation have also from time to time applied additional sums to the purposes of some of the charities last enumerated.

Revenues.

The town clerk furnished me with a series of the corporation accounts for several years last past. The following is the account of the receipts and expenditure of the corporation for the year 1832–3. On a comparison of this account with those from the year 1827, it seems to convey a true account of the average expenditure of the corporation, except that in this year the allowance of the mayor was reduced. Up to the year 1829, the mayor's allowance was 100*l.*: it was then reduced to 80*l.* and last year to 20*l.* per annum.

CORPORATION OF BASINGSTOKE.

ACCOUNT of RECEIPTS and EXPENDITURE from 1832 to 1833.

RECEIPTS:

	£.	s.	d.
A Year's Rent of a Farm called Troy Lane Farm	35	–	–
Rent of Houses in Old Swan Lane, London	52	10	–
Ditto, other Houses in ditto	52	–	–
Rent of Estate in Lincolnshire	700	–	–
Rent Charge issuing out of Lands in Kent	66	13	4
Cash of Skinners' Company, London	15	–	–
£.	921	3	4
Balance brought down	651	19	4
Rent of Fair Close, Basingstoke	23	–	–
Rent of Vagrant Cottage of the Overseers of Basingstoke	2	–	–
One Year's Quit-rent of Lands belonging to Lord Bolton	18	15	2
Rent of Cottages in Basingstoke, in the occupation of National Schoolmistress	6	6	–
Tolls of Minor Market	20	–	–
Balance of Wood Account from Maidenwell Estate	12	10	–
Quit-rents	28	19	7½
Cert Money	1	3	–
A Year's Dividend on £.183. 18. Three per Cent. Reduced Annuities	5	10	4
Cash produced by Sale of Materials of old Town Hall	104	12	6
Produce of Sale of £.183. 18. Reduced Three per Cent. Annuities	163	13	5
Purchase Money of a Strip of Land sold	20	–	–
£.	1,058	9	4½

EXPENDITURE:

	£.	s.	d.
Land Tax, Frog Lane Farm	4	4	–
Rent Charge	13	6	8
Payments to Charities, agreeably to Will of Sir James Lancaster, and Decree of Court of Chancery	251	13	4
Balance carried down	651	19	4
£.	921	3	4
To the Right honourable Lord Bolton, Fee Farm-rent	51	6	8
A Year's Interest on £.500 advanced by Mrs. Graham	25	–	–
Ditto on £.400 advanced by Mr. Mullens	20	–	–
Ditto on £.3,500 advanced by Mr. Hasker	175	–	–
Mayor's Allowance	20	–	–
Chamberlain's Allowance	20	–	–
Serjeants at Mace, Salary and Allowance	11	–	–
Ditto - Allowance for Cloaks	5	5	–
Bellman	6	8	–
Gaol-keeper's Allowance	10	–	–
Hayward's ditto	6	–	–
Clerk of the Market	3	3	–
Expenses of Michaelmas Sessions	8	19	–
Expenses of Special Constables, &c. on 5 Nov.	9	15	–
William Gover, Surveyor, for surveying Buildings purchased under Market Act, and for attending to give Evidence before Undersheriff and Jury on assessment of value	44	5	6
Examiner of Weights and Measures	7	10	–
Expenses Easter Sessions	8	10	–
Expenses 5 Nov.	3	10	–
Expenses of Midsummer Sessions	8	13	6
Repairs, Taxes, Insurance, &c. of Corporation Buildings	75	9	4
Stationery, and other Articles for use of Hall	17	12	5
Expenses on account of new Markets	55	18	–
Sundry petty Payments	11	17	3
Subscription to National School	10	–	–
Ditto - County Hospital	2	2	–
Payments in augmentation of Sir James Lancaster's Charities	99	–	–
Ditto - Richard Aldworth's	460	18	3½
Ditto - Sir James Deane's	147	5	5
Ditto - Sheppard's.—[The year of this account terminating in April 1834, cannot now be ascertained.]			
Wigg's Gift to the Master of Holy Ghost School	4	–	–
Stocker's Gift	–	10	–
Payne's Gift	4	–	–
Pemerton's Gift	6	13	4
Smith's Gift	2	–	–
£.	1,341	11	8½

No

BASINGSTOKE.

Accounts.

No Accounts of the corporation can be found prior to 1764, and up to the year 1805 they have not been kept with regularity; since that time, however, they have been attended to with more care, and they are now kept by the chamberlain, a member of the corporation, who receives a salary of 25*l.* per annum, but who gives no security. The accounts of late years have been regularly audited by the common council on the 1st of September; they are examined with the vouchers, and signed.

Debt.

It has been stated, that the corporation about the year 1720 terminated their suit with the Skinners' Company, and though no accounts of this period are to be found, it appears by a deed that the corporation demised the tolls of the market for 100 years, to secure 357*l.* to William Guidott, esq. the then recorder. It is presumed this money was the amount of the costs of the Chancery suit. In 1764, a mortgage was executed to Ann Penton, for 800*l.*, at which time it does not appear the debt to Guidott was subsisting. In the year last-mentioned, the corporation were in debt 1,000*l.*; and from that time to the year 1782 they borrowed, at various periods, 550*l.* In 1782, a sum of 2,000*l.* was borrowed from Dr. Sheppard, which enabled them to pay off their debts due to other persons, and to retain 450*l.* themselves for their own use. In 1805, the debt had accumulated to 2,900*l.*: between 1782 and 1805, the corporation expended on shares and bonds in the Basingstoke canal - - - - - - - - - - £. 700 – –

On the renewal of part of Maydenwell, held under the Bishop of Lincoln - - - - - - - - 120 – –

And in subscription to the Government, to carry on the war in 1798 - - - - - - - - - 100 – –

£. 920 – –

The corporation invested the money in the canal shares, from a belief the canal would benefit the town. From the year 1806 to 1829 the account of the debt is as follows:—

BORROWED.

		£.	s.	d.
1806	A Debt due to the late Dr. Sheppard	2,900	–	–
		£. 2,900	–	–
1816	Of the late Mr. David Graham	500	–	–
Nov.	Of Mess. Raggett & Co. Bankers,	300	–	–
1817: October	Ditto	200	–	–
1818: Feb. 25.	Purchase-money of the Manor of Hazell	1,179	14	–
	Produce of Sale of £. 1,300. Three per cent. Reduced Annuities, part of the Sum of £. 1,483. 18*s.* purchased 2d March 1818	1,022	2	6
	Borrowed of the late T. L. Mullens, Esq.	400	–	–
1827	Purchase-money of Lands sold under Pamber Inclosure Act	220	–	–
1828	Purchase-money of Cottages in Hackwood-lane	104	–	–
	Ditto - - ditto	246	–	–
1829	Purchase-money of Land sold in Chapel-street	15	–	–
	Ditto - - a Piece of Ground, called Little Mill Hole	160	–	–
	Purchase-money of Cottages in Chapel-street	131	–	–

EXPENDED.

		£.	s.	d.
1806	Paid Dr. Sheppard, in part of principal	400	–	–
1807	ditto	300	–	–
1809	ditto	200	–	–
1810	ditto	200	–	–
1811	ditto	200	–	–
1813	ditto	300	–	–
1814	ditto	300	–	–
1815	ditto	100	–	–
1823	ditto	400	–	–
1828	ditto	500	–	–
		£. 2,900	–	–
1815	Subscription to Basingstoke Paving	315	–	–
1816	Purchase-money of Land as a site for a new Gaol	50	–	–
1817	Paid Raggett & Co., borrowed of them	300	–	–
	Subscription to new Iron Railing round Church-yard	20	–	–
	Expenses of paving Market-place, and under the Old Town-hall, and inclosing the Market-place, under the Hall, with Iron Railing	468	14	6
	Expense of erecting a new Gaol	618	15	2
	Expenses of newly inclosing and pitching Pig Market	32	–	–
1818	Paid Raggett & Co., borrowed of them	200	–	–
Mar. 2.	Consideration for Purchase of £. 1,483. 18*s.* Three per cent. Reduced Annuities	1,179	14	–
	Subscription towards new Organ, for the Church of Basingstoke	100	–	–
1826: May	Fine and Expenses on renewal of Lease of part of Maidenwell Estate, held for Lives, under the Bishop of Lincoln	1,436	8	–

BASINGSTOKE.

In 1829, an Act of Parliament was obtained for enlarging the market-place, which has led to great expense; and a new and very commodious town-hall has been erected also, at considerable expense. The works were necessary, and the market, it is presumed, will yield a considerable revenue. The following account shows the cost of both the town-hall and market, with the account of the debt of the corporation.

BASINGSTOKE MARKETS AND TOWN-HALL ACCOUNT:

RECEIVED.

		£.	s.	d.
1829:	Subscriptions towards Costs of obtaining Act of Parliament	722	17	–
1833:	Subscriptions received towards the new Hall	2,479	10	3
	Borrowed on Mortgage, at 5 per cent	4,000	–	–
	Cash produced by Sale of Materials of Houses, purchased for a site for the new Hall	335	2	4
	Ditto - Materials of old Town Hall	104	12	6
	Produce of Sale of £.183. 18s. Three per cent. Reduced Annuities, being the residue of £.1,483. 18s. purchased 2d March 1818	163	13	5
	Purchase-money of strip of Land sold in 1833	20	–	–
	Borrowed of Basingstoke Bank	300	–	–
		£.8,125	15	6

EXPENDED.

		£.	s.	d.
1829:	Costs of and attending the obtaining the Act of Parliament	845	8	6
1831:	Purchase-money of Houses, for site of new Hall, and Compensation to Tenants	3,636	4	–
	Costs of Solicitor to Owners and Occupiers	237	5	4
	Fees to Counsel, Jury and Undersheriff, on Inquisition of the value of Houses, &c.	139	10	–
	Solicitors to the Corporation, Bill of Costs	243	17	11
	Builder's Contract, for Erection of new Hall	3,900	–	–
	Extra Work	397	8	1
	Architect's Bill	296	–	–
		£.9,695	13	10

The whole amount of the debt, as far as it can be ascertained, has been applied to public works, and to the improvement of the town. All property sold or let by the corporation is sold or let by public competition, after a valuation fixed by a surveyor for the guidance of the corporation.

Public Works.

The Public Works are executed by contract and tender, the lowest being taken.

Common Lands.

Before the year 1786, the proprietors of houses and tenements in Basingstoke were entitled to rights of common of pasturage over certain lands, from the open tide or time of the harvest being got in, until All Soul's Day, and also of cutting furze on the same lands. In the year 1786, an Act was passed for dividing and inclosing the common. By this Act the commissioners were directed, as soon as they had ascertained the value of the common rights, to give six days' notice to the owners and proprietors of houses and tenements in Basingstoke, requiring them to deliver to the commissioners, in writing, their determination whether they would have an allotment in severalty in respect of the share of the value of such common rights, or whether the same should be allotted as a common.

The inhabitants determined that the land should be allotted as a common; and under the provisions of the Act, the mayor and two justices of the corporation, and four churchwardens were appointed trustees of the said common, with power to make laws, orders and regulations for the management and stocking of the commons. About 108 acres of land have been allotted to the inhabitants. In the year 1831 the trustees made certain rates, to be taken of every person turning cattle into the common.

	s.	d.
For every mare, gelding, cow, steer, heifer, ass or mule	6	–
For every colt or calf, under one year old	4	–
For every pig	2	9

And over and above the said sums, to the hayward—

For cattle, per head	1	6
And for pigs, per head	–	6

The common is opened on the 13th of May in every year, and continued open until Christmas. The rates levied appear to be only such as are necessary to defray the expenses of gates, fences and bush-harrowing the common whilst laid up. Before the inclosure no rates were demanded, and some of the inhabitants complained of the charges made by the trustees; but these complaints do not appear to be well founded. The accounts of the common are kept separately, and they prove the rates are not more than it is proper for the trustees to take.

State and Prospects.

The town of Basingstoke is improving in trade: the chief local trade is that of malting. The streets are being paved under the provisions of a local Act; and it has recently been determined to light the town with gas. One nightly watchman is paid by the commissioners appointed under the Paving Act.

BASINGSTOKE.

Statistical Details.

1. English Statute Acres - - - - 3,970.

2. Population:

1801 - - - - - - - -	2,589.
1811 - - - - - - - -	2,656.
1821 - - - - - - - -	3,165.
1831—Males, 1,718; Females, 1,863—Total,	3,581.

Occupations, viz.:

Families employed in Agriculture - - - - - - -	158.
Ditto - - - - Trade, Manufactures, &c. -	375.
Ditto - - - - not comprised in above classes,	227.

3. Annual Value of Real Property, 1815 - - £.11,382.

4. Assessed Taxes—(no document to show this.)

5. Parochial Assessment, for years ending 25th March 1825 - £.2,259 –
Ditto - - - - - - - - - - 25th March 1829 - 2,174 3

6. Number of Houses in 1831 - - - 727.
(No document to show proportion of rental.)

1, 2, 3, 6. Population Returns - - - 1831.
5. Parliamentary Paper - - - 1830, No. 83.

Remarks.

The corporate offices are objects of ambition to the respectable inhabitants, who are desirous to have the power of electing their own officers. It is felt to be a grievance, that the corporation allow non-residents to remain members of their body, and that they have elected strangers to fill up the vacancies in the corporation, to the neglect of the native inhabitants of the town. In all other respects the conduct of the corporation, both as to the management of their affairs and as to the administration of justice, has deserved the confidence of the inhabitants.

Edward Rushton.

Local Acts:

A SCHEDULE of the Dates and Titles of the Local Acts of Parliament, relating to the Municipal Government or Local Taxation.

An Act for dividing, allotting and inclosing the Open and Common Fields, Common Downs, Common Pastures, Common Meadows, Waste Lands and other Commonable Places, within the Parish of Basingstoke, in the County of Southampton.	26 Geo. 3.
An Act for paving the Footways and Cross Paths, and lighting, watching, cleansing, widening and otherwise improving the Streets, Lanes, and other public Passages and Places in the Town of Basingstoke, in the County of Southampton.	55 Geo. 3. Sess. 1814, 1815.
An Act for enlarging the Market Place in the Town of Basingstoke, in the County of Southampton; and for fixing and regulating the Markets of the said Town, and for establishing a Market for Live Cattle adjoining the same.	10 Geo. 4. Sess. 1829.

Documents.

I send with this Report,—A copy of the Translation of the Charter of Chas. I., the Rules of the Court of Record, and a Table of Fees taken therein.

REPORT

ON

THE CITY OF BATH,

(SOMERSETSHIRE.)

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CITY OF BATH.

LIMITS.

1. THE limits of the City of Bath, with its Suburbs and Liberties, comprise the three parishes of St. James, St. Michael, St. Peter and St. Paul, and a portion of that part of the parish of Walcot which lies to the southward of the parish of Charlcombe. By an Act passed in the 9th Geo. III. confirmed by a charter of the 34th of the same King, the Civil and Criminal Jurisdiction of the city courts and magistrates was carried beyond the limits of the city, into part of the adjacent parish of Bathwick. The buildings on all sides are now continued beyond the limits of extended jurisdiction in the parish of Bathwick, and in Walcot, and also into the parish of Lyncombe and Widcombe, which, as well as Bathwick, is divided from the city by the river Avon. The Boundary Act has added to the city, for the purpose of Parliamentary representation, the whole of the parishes of Bathwick and of Lyncombe and Widcombe, and the whole of that part of the parish of Walcot which lies between the city and the parish of Charlcombe. All the buildings of the town are included in these limits, besides a considerable rural district in Lyncombe and Widcombe.

Limits of the City and Civic Jurisdiction.

Addition made by the Boundary Act.

HISTORY.

2. The citizens of Bath claim to be a corporation by prescription, confirmed by grant. The earliest Charter extant among their records, 1 Richard I., grants to the citizens of the Merchant's Guild the same freedom from toll as was enjoyed by the citizens of the Guild at Winchester; this was confirmed in 31 Hen. III.

Old Charters.

In 40 Hen. III. they obtained the grant that their goods should not be taken for debts of which they were not bail or principal debtors, as also the return of writs; that they should not be impleaded out of the city for lands and tenements within it, saving on the part of the Crown; and that they might choose a coroner, one of themselves, within the city.

An exemplification of the charter of 1 Richard I. and 40 Henry III. is preserved among the muniments of the city, under its common seal. This has no date, but probably was drawn up before the date of the next charter of confirmation, dated 6 Edw. II. of which no mention is made in the document referred to. There is a grant, dated 3 Edw. I., to the bishop of Bath and Wells, that the citizens and his men, and their successors, should be free from toll; and another, dated 12 Edw. I., also to the bishop, containing the grant to him of a ten days' fair in his manor of Bath. The corporation is now lord of the manor, and holds the fair apparently in virtue of a derivative title from this grant.

The mayor of Bath is mentioned in a commission for raising a subsidy, in 14 Edw. III., in which the commissioners are empowered to summon before them the mayor, bailiffs, and four of the more discreet and approved men of the city.

There appear to have been several other charters of confirmation, which are no longer preserved among the city records.

A charter was granted on the 4th September, in the 32d year of Elizabeth, under which the corporation continued to act until the year 1684.

In 1662, Bath was visited by the commissioners for regulating corporations, who displaced the mayor, the recorder (the celebrated William Prynn), and several aldermen and common councillors, and nominated others to the vacant offices.

On the 10th November 1684, it was agreed in council, in the mayoralty of John Bush, that the charter should be delivered up to His Majesty before the end of the following December, which appears accordingly to have been done. The corporation possesses the transcript of a charter granted by Charles II., and dated 31st December 1684. We were informed that this charter had never been accepted or acted upon, but this assertion appears to be not altogether accurate.

There is an entry in the council book, No. 2, of a council held 29th Dec. 1684, which abruptly ends the entries in this volume.

The first leaf of the council book, No. 3, contains a "List of those who have taken the Oaths of Allegiance and Supremacy, and the rest, at the same time when they took the Oaths for the executing their respective Offices." This list is headed by the names of Fitzharding, John Bush, mayor, and of many of the other aldermen and others, who voted the surrender. And among those present at the first council recorded in this volume, held 29th January 1684, is entered Fitzharding, high steward. This office of high steward did not exist under the charter of Elizabeth, but Viscount Fitzharding was named to fill it in Charles's charter. There seems, therefore, little reason to doubt that the charter of Charles was accepted, although the surrender of the old charter was never enrolled. Upon the proclamation of James II. for restoring surrendered charters, the charter of Elizabeth appears to have been resumed, and continued to be acted under, until the 12th February, 34 Geo. III., when a new charter was obtained, confirming in most parts Elizabeth's charter, as also the extended jurisdiction over Bathwick, established, as already mentioned, by Act of 9 Geo. III. These are now, therefore, the governing charters.

Governing Charters.

CORPORATE BODY.

3. Under them the corporation is entitled, "The Mayor, Aldermen and Citizens of the City of Bath," and consists of a mayor, recorder, and a number of aldermen, not more than ten

Title.

Constitution.

BATH.

ten or less than four, twenty chief citizens and councillors, generally called common councilmen, and an indefinite number of free citizens. The mayor, aldermen and chief citizens constitute the common council, or governing body.

Governing Body.

Election of Mayor.

The Mayor is elected annually, on the Monday before Michaelmas-day, from the aldermen or common councilmen, by a majority of the mayor, aldermen and common councilmen. The elective assembly is in practice considered complete when sixteen, including the mayor, are present, although there should not be a majority of aldermen or of common councilmen separately. Only two instances were named to us in which he has not been chosen from the aldermen, and generally in rotation. In either case he is still reckoned, during his mayoralty, as one of the body from which he has been selected, and resumes his old rank among them at the expiration of his year of office. He is generally sworn, and commences his mayoralty about the middle of October. There is no fixed day, but it must be done within a month from his election. No poll is remembered for many years.

Appointment of Deputy Mayor.

The mayor is empowered by the charter of Geo. III. in case of his illness or necessary absence from the city, to appoint a deputy. The person appointed must be an alderman or justice, and the instrument must express the cause of appointment, and if for absence, the cause and time of absence; and the appointment enures for that time only: it must be countersigned by two aldermen. The mayor may revoke the appointment at any time, by writing under his hand.

Election of Recorder.

The Recorder is elected by the mayor, aldermen and common councilmen. His office is held during good behaviour. By the charter of Geo. III. he can appoint a deputy, who must be a barrister of ten years' standing; but this power has never been exercised. Residence is not required. The present recorder is Marquis Camden, who succeeded his father.

Election of Aldermen.

The Aldermen are elected for life from the common councilmen, by a majority of the same body that chooses the mayor, constituted in the same manner.

By the charter of Elizabeth, not altered in this respect, the number of aldermen may vary from four to ten. The practice has been always to keep it at the highest. The vacancies in this body are filled up as they occur; and it appears to be the invariable rule to elect the senior common councilman.

Election of the Common Councilmen.

The Common Councilmen, whose number is fixed at twenty, are elected from the free citizens by an elective body, composed in the same manner as those already mentioned; except that the recorder, though not necessarily a constituent part of it, has a voice in this election, and in this only. There is no principle of selection from among the free citizens, but that which arises from interest and connexion with the aldermen. The common councilmen are now almost invariably chosen from such free citizens as have purchased their freedom. In the present list of thirty aldermen and common councilmen, twenty-five acquired their freedom by purchase; four of the remaining five served their apprenticeship to medical practitioners; the fifth to a banker.

Residence of Aldermen and Common Councilmen.

It is provided by a bye-law, first made in 1808, that Aldermen and Common Councilmen must reside within five miles of the Guildhall of the city; otherwise that they are to be considered as wholly disfranchised, and the mayor, aldermen and common councilmen shall be at full liberty to elect another citizen into the office. No instance has occurred since the passing of this bye-law of putting it in force, although the immediate cause of it was said to be the great number of those who then so absented themselves.

Election of Free Citizens.

By servitude.

The freemen or free citizens are an indefinite body; they acquire their franchise either by servitude, or by gift or purchase, and in no other manner. The resident number of freemen in 1831 was 104; there were perhaps about 20 non-residents. In order to acquire the right of free citizenship by servitude, it is necessary to serve an apprenticeship of seven years to a free citizen, who either resides or carries on business within the old limits of the city liberties. It is required by an old bye-law still in force, that the indenture should be enrolled at the office of the town-clerk, within a month after its execution: the omission to enrol within the specified time precludes the apprentice from gaining his freedom. At the end of the apprenticeship, proof upon oath is required, before the mayor, that the apprentice has duly served his time under the indenture. The oath for this purpose is usually taken both by the master and the apprentice; but if the master refuses to assist the apprentice in obtaining his freedom, the oath of the latter is held to be sufficient. Instances have occurred, in which the enrolment is purposely omitted, the apprentice having been taken with that understanding.

By Gift or Purchase.

The second mode by which free citizens are created is by gift or purchase; an unlimited power of creating free citizens is given to the mayor, aldermen and common council by the charter of Elizabeth; and as far back as the records were examined, the practice of selling the freedom of the city has uniformly prevailed. The mayor formerly exercised the privilege of nominating one free citizen, with the consent of the common council, but this practice has been long since discontinued.

Fees on Elections.

On the election to the office of common councilmen there are no Fees payable of right, but seven guineas are usually given; of which 2*l.* 2*s.* go to the town-clerk; 1*l.* 1*s.* to his deputy and to each of the serjeants at mace, and half a guinea to each of the mayor's officers, and to the crier.

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The fees on admission to the freedom of the city differ, as the freedom is gained by servitude or purchase. In the case of apprenticeship, 5*s.* are paid for the enrolment of the indentures, and on the subsequent admission 2*l.* 2*s.*; of which sum 1*l.* is the amount of stamp-duty, 6*s.* are carried to the credit of the city chamber, and 16*s.* go to the town-clerk for parchment, entry and certificate. The certificate is not stamped. In case it is required to be renewed, 2*s.* 6*d.* is paid to the town-clerk for each renewal, but no instance of renewal is remembered.

The freemen by purchase pay, in the first instance, their composition or purchase-money: the amount of this is arbitrary, and varies at the will of the council. In 1733, a freeman was admitted for 10*l.* 10*s.*; in 1801, for 75 *l.*; the following year it was raised to 100*l.*; and the year following, to one hundred guineas. From 1805 to 1810, the sum demanded was 120 guineas, and from that time to the present, 250 guineas has been the purchase-money: besides this sum, 5*l.* is paid, of which 3*l.* is the stamp, 6*s.* 6*d.* goes to the chamber, and 1*l.* 13*s.* 6*d.* to the town-clerk.

Meetings in Council.

The mayor, aldermen and common councilmen meet in council, for the purpose of the government and management of the business of the corporation. They have the power of making bye-laws, and of enforcing them by fine and imprisonment. The mayor is bound to call a council within seven days of a requisition, signed by seven or more of the corporation, on a penalty of 50*l.* The word "Corporation" seems to be used in this bye-law for common council. No special duties beyond attending these councils belong either to the aldermen or common councilmen in their corporate capacity; but all the aldermen and the two senior common councilmen are appointed justices of the peace, under the power for that purpose contained in the charters. It has been shown, that the aldermen and common councilmen are a self-elected body, and they direct all the affairs of the corporation, without any power of interference on the part of the free citizens. Matters of importance are generally referred to select committees, who make written reports to the council. The committees are formed indiscriminately from the aldermen and common councilmen.

Disfranchisement.

There is no express power given by the charter to any part of the corporation to amove or disfranchise a free citizen. It has been claimed by the select body for non-attendance, consequent upon non-residence of aldermen or common councilmen. In the case of a free citizen, not of the select body, his freedom is considered as suspended during non-residence; but on his return, no form is necessary to reinstate him in his privileges. By an old bye-law, confirmed in 1646, it was ordered, "That any freeman departing and living out of the city a year and a day, who should not every year on Whitsun-Monday pay 4*d.* for burgess-money, and 12*d.* for the continuance of his freedom, and likewise his dues and payments with his company according to their orders, should be suspended from his freedom till he had compounded for the same." This had long fallen into disuse, but was not formally repealed until 1833.

The election of Members of Parliament formerly belonged to the whole common council.

Privileges of the Citizens.

The resident Free Citizens are entitled to share in the profits of an estate that will be particularly mentioned under the head of the City Revenues, and consequently higher premiums of apprenticeship are given to the free citizens than to others. They are unlimited in the number of apprentices they may take. They enjoy no other privileges distinct from the other inhabitants of the city. By a bye-law of 1646, not formally repealed until the present year, none but freemen were to open shop in the city on pain of forfeiting 5*s.* for every week. This has never been in any way enforced within living memory. It is said that in the last century there were incorporated companies of trades, but there is now no trace of them, and trade is as entirely free within as without the city.

All the inhabitants are considered exempt from serving on the county juries, and until a few years back the city paid no county rate; but by a recent decision in the King's Bench (R. *v.* Clarke, 5 B. & A.,) it has been declared liable.

Officers.

4. The Officers of the corporation, besides the Mayor and Recorder, are,—

Eleven Justices of the Peace.
Chamberlain and Assistant Chamberlain.
Common or Town Clerk.
Two Bailiffs.
Two Chief Constables.
Surveyor.
Two Serjeants at Mace.
Five Mayor's Officers.
One hundred and thirty Tithing Men (the number varies with the exigencies of the city.)
Common Crier.
Two Inspectors of Fish and Flesh; two Ale-tasters; two Supervisors of the Bounds.

Mayor.

The manner of the Mayor's election has been described in the account of the Corporate Body.

By the charter of Elizabeth he is constituted *ex officio* coroner of the city; and by the Act and Charter of George the Third, he sits also in the same capacity in the adjoining part of Bathwick.

He is a justice of the peace for the city, and it is his practice to attend at the Guildhall in his magisterial character every day in the year, Sundays included. He also presides at the quarter sessions, where it is necessary that either the mayor or the recorder should be present, in order to constitute a court.

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The mayor is also a judge of the court of record, which is held before him or the recorder, with any one or more of the other justices or the town clerk.

The mayor receives a salary of 1,000 *l.* a year as the whole of his emoluments. He is liable to no expenses out of this sum except in the exercise of the offices of hospitality. There are by custom two state dinners given by the mayor in the course of his year, the first on the day of his election, the second on the day of his being sworn into office, besides a customary dinner to a large body of tithing men and inferior officers of the corporation. These out-goings and others of the same nature are no doubt very considerable. He gives no account of the 1,000 *l.*, but it is stated to us that the whole of the sum is generally expended in these entertainments and expenses connected with them.

Recorder.

The mode of choosing the Recorder has been mentioned in the previous account of the corporate body. He practically takes no part in the business of the corporation, although one of the judges of the court of record. There are no traces of his having at any time sat in the court of record, and he only attends the quarter sessions next following the election of the mayor for the purpose of administering the oath to him. The salary of the office is 40 *s.* a year; this has been occasionally received by the present recorder, and distributed by him among the charities in Bath.

Election of Justices.

Two Justices of the Peace for the city, besides the Mayor and Recorder, who are justices *ex officio*, were appointed by the charter of Elizabeth, to be chosen by the mayor, aldermen and common councilmen from the aldermen; and power to elect any number not less than four or greater than nine additional justices was granted by the charter of Geo. III., to be chosen annually by the same body from the aldermen and common councilmen. All the justices have the same power, but the two chosen under Elizabeth's charter are called the Senior Justices, and have precedence before the others. They are all chosen on the charter day, but by two distinct elections, one for the senior justices, the other for the remainder. The senior justices are now generally the mayor of the preceding year and the senior alderman. The other aldermen and two senior common councilmen are chosen to fill up the number, and thus, although the election is annual, a permanent magistracy, or one that is nearly so, is preserved. There have been one or two instances in which the persons elected have declined to act, but these are very rare. The justices are sworn on the same day as the mayor.

The utility of the civic magistrates at Bath is very much impaired by their having no power to try felonies of any description; with this exception their duties in the city are those which ordinarily devolve on such functionaries. They license the public-houses in the city, of which there are about 120, and the chairmen, of whom there are about 150: these last pay 3 *s.* for their annual licence. Each of the justices is a judge of the court of record, but cannot hold it without the presence of the mayor or recorder, or one of their deputies. The county justices are restrained by charter from acting in the city in those cases in which the city justices are empowered to act. In the charter of Geo. III., the power of the civic justices is incorrectly recited as extending to the judgment of felonies also. Perhaps this may have given rise to an opinion which prevailed till lately, that the warrant of a county magistrate for the apprehension of a felon within the city liberties must be backed by a city magistrate. This opinion prevails no longer. In practice the city justices do not act in any part of Bathwick, so that two out of four of the principal objects of the charter of George have remained fruitless. The recorder can appoint a deputy, and the number of justices is increased, but a deputy recorder is not appointed, and the extended jurisdiction is not exercised.

The justices derive no salary or emolument of any kind from their office.

Chamberlain and Assistant Chamberlain.

The Chamberlain is annually chosen by the mayor, aldermen and common councilmen, from the corporation at large. It was formerly usual to appoint one of the select body; but that practice has been discontinued for many years. He is now always a free citizen, not of the council. The same person is usually re-elected. The present chamberlain has held the office for nearly twenty years. An assistant chamberlain has been appointed since 1792, by the select body also. He is not necessarily a freeman. This is considered a permanent appointment. The present assistant chamberlain has filled the office for 23 years.

The chamberlain and assistant chamberlain keep all the accounts, receive the rents and all the other revenues, and make all the disbursements of the corporation, both of their own property, and of that of which they are trustees. The chamberlain receives an annual salary of 400 *l.*, and his assistant 200 *l.*

Town Clerk.

The Town Clerk is elected during life or good behaviour, by the mayor, aldermen, and common councilmen. It is not necessary that he should be a member of council, or even a free citizen: the present town clerk is neither; he appoints his own deputy.

The town clerk attends the magistrates every day at their sittings at the Guildhall. He is steward of the leet, prothonotary of the court of record, and also acts as clerk of the peace for the city. He assists the mayor when he sits as coroner; he receives an appointment from the bailiffs, by which he is constituted their deputy, and which casts upon him the duties of under-sheriff. He is also solicitor to the corporation. The gentleman who is now town clerk states that the business of the corporation occupies the greater portion of his time, and interferes almost altogether with his private practice as a solicitor. He is also clerk to the commissioners of taxes.

The town clerk is paid by the corporation a salary of 500 *l.* a year. He has fees which he states to amount in all to about 400 *l.* a year. This does not include his charges for business done

done in the office. He derives no emoluments from his situation of steward of the leet. Out of the amount received by him, he pays a salary of 200 *l.* a year to his deputy, who is also a solicitor, and he has two clerks in his office.

Bailiffs.

The Bailiffs are elected annually from the common councilmen, by the mayor, aldermen, and common councilmen. It is usual to choose those who have been chief constables during the last year but one. In the case of a recent election of a common councilman, if all the seniors have already filled the office of bailiff, the newly chosen common councilman is elected bailiff the year immediately following that in which he has been constable.

The bailiffs are the sheriffs of the city, and act separately in this capacity. They have the charge of executing by themselves or their ministers, any of the city processes. The bailiffs have also the charge and superintendence of the gaol. They appoint and pay the gaoler. The market adjoining the Guildhall is also under their management.

The mode in which the bailiffs receive the emoluments attached to their office, is, by a beneficial lease which is annually executed to them by the corporation of the profits of the last-mentioned market. They pay a rent now fixed at 500 *l.* a year.

For the year ending October 1832, the gross receipts were 1,854 *l.* The gaoler's salary 120 *l.*; rent rates and taxes, and other charges, 1,013 *l.*, leaving a net profit of 721 *l.*

The bailiffs formerly were at the charge of conveying at their own expense all such prisoners as were sent for trial from Bath to the county gaol. At that time the rent paid by them to the corporation was only 420 *l.*, and the town clerk thought that the increase in their rent had been in consequence of the removal of this expense from the corporation, by the decision of the Court of King's Bench already cited, making the city of Bath liable to contribute to the county rate. The assistant chamberlain who has received this property for the bailiffs during several years, ascribed the raising of the rent to some improvements in the market. The amount of the profits for the last seven years gives an average of 1,760 *l.* a year; out of these yearly proceeds, the sum of 120 *l.* is paid to the gaoler, besides all outgoings in respect of the premises. These out-goings, for rates and taxes, repairs, the cleaning of the markets, the wages of the persons employed in it for keeping order, and the bailiffs' usual entertainments, have averaged 414 *l.* a year during the same time, leaving an average net profit of 726 *l.* to be divided between the bailiffs.

The fees which accrue to the bailiffs for process executed by them are received by the town clerk, who is their appointed deputy, and form part of the aggregate amount which was stated under the head of his emoluments. The deputation is not a necessary incident to the office of town clerk.

Chief Constables.

The Chief Constables are chosen in the same manner as the bailiffs. They are the nominal heads of the corporate constabulary force, but never act except on emergencies. They are always chosen from the common councilmen, and the office is considered as antecedent to that of bailiff. Each common councilman fills it in rotation: this is only interrupted by the election of a new common councilman, who is invariably chosen chief constable at the next election. The constables receive no emolument, but on the contrary are liable to some expense, as in billetting soldiers and in other respects. We did not learn the amount to which they are so liable. As there is no remuneration directly connected with this office, it is considered that the profitable and almost sinecure situation of bailiff, affords a compensation for the trouble and possible expense of this office.

Surveyor.

The Surveyor is not a chartered officer; he receives an annual appointment; the same person is usually re-elected; he has the general superintendence of all the buildings and works which belong to the corporation, and of the repairs which may from time to time be required. For these, his general duties, he has a salary of 100 *l.* a year. If he makes any plans, he is paid for them in addition to his salary.

Serjeants at Mace.

The Serjeants-at-Mace receive an annual appointment from the select body, but are in practice permanent. Their proper duties are as the bailiffs' officers; but they are now employed chiefly in the superintendence of the baths. One of them has the care of the King's and Queen's Baths; the other that of the Hot and Cross Baths. They receive the profits of the baths, and pay them over weekly to the chamberlain. It is their duty also to attend the mayor and corporation on state occasions. Each Serjeant-at-Mace receives a salary of 100 *l.* a year from the corporation.

Mayor's Officers.

The five Mayor's Officers are appointed by the mayor. They attend the justices at the hall, and execute all the warrants. The head officer receives 25 *s.* a week. The four others receive a guinea. They have also some emoluments derived from serving summonses. The mayor's officers are those on whom the corporation relies chiefly for preserving the peace of the city.

Crier.

The Town Crier is appointed by the select body. He has a salary of 30 *l.* or 40 *l.* a year, and a house. He has the charge of the hall, and his salary includes the expense of cleaning it.

Tithingmen.

The corporation, as lord of the manor of Bath, appoint Tithing-men within the city. At the last court 130 were appointed. This number is liable to variation with the increasing wants of the city. They are not called out except on emergencies, and in that case receive an arbitrary gratuity.

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Other Officers.

The other officers are still appointed, but their duties are obsolete or more efficiently executed by other means. They receive no salary or fees.

Courts.

5. The courts held by the corporation are a Court of Quarter Sessions, a Court of Record, and a Court Leet.

There is by charter, and as incident to their fairs, a Court of Pie Poudre, but this has fallen into absolute disuse.

A Court of Requests, for the recovery of small debts, is also held in Bath; but this has no connexion with the corporation.

Quarter Sessions.

The court of quarter sessions cannot be held unless the mayor or recorder is present. It is held before them and such of the justices as may be present. No felonies can be tried at this court, and since power has been given to magistrates to punish assaults summarily, the business of the sessions has very much declined.

The juries of this court are summoned by the town-clerk, in his capacity of deputy bailiff. Any inhabitant householder of the city is deemed competent to serve on them. They are generally taken from the respectable tradesmen, and as the town-clerk happens to be clerk to the commissioners of taxes, the list for the assessed taxes is made use of as a jury list: there is no other pannel. The fees taken at the sessions are regulated by the same table as at the sessions for the county.

The want of all power in the city magistrates to try felonies has been long felt at Bath, as an evil of serious importance. With a population exceeding 50,000 persons in the city and immediate neighbourhood, the most trifling case of larceny must be sent to be tried at the county quarter sessions or assizes, which are held at Wells, Bridgewater and Taunton, at the distance of 18, 39 and 50 miles respectively from Bath.

An association has been formed under the title of the Bath Society of Guardians for the Prosecution of Felonies, from whose papers the following Returns are taken; showing the expenses incurred in a few cases of larceny and embezzlement (for the society in 1832 only consisted of 317 members).

COSTS of Prosecution of Felons by the *Bath* Guardian Society, at the Somersetshire Assizes and Quarterly Sessions.

YEAR.	No. Cases.	Value of Property.	No. Witnesses.	Expenses of Witnesses.	Costs of Prosecution.	REMARKS.
		£. s. d.		£. s. d.	£. s. d.	
1828	12	33 17 6	42	139 10 –	241 – –	
1829	10	34 19 –	29	88 10 –	149 3 6	
1830	6	2 19 8	17	49 – –	75 7 6	
1831	4	22 14 8	17	67 10 –	127 3 –	
1832	4	71 13 –	24	76 – –	107 16 4	- - Besides a sum of Money embezzled, value not known.
Total -	36		129	420 10 –	700 10 4	
Average in each case			4	11 13 7	19 9 2	

It is also manifest that, independently of all consideration of expense, the inconvenience of attending to prosecute at so great a distance must have a material effect in adding to the impunity of offenders.

Court of Record.

The Court of Record is totally disused for the recovery of debts. Writs are still issued, but they are chiefly for the purpose of bringing parties within the reach of the Insolvent Debtors' Act. The only cause tried in this court, within modern recollection, was in the year 1821. Some causes go on as far as declaration, but with the above-mentioned exception, they have always been removed before they got to an ulterior stage. This court, by the charter of Elizabeth, was to be held every Monday before the mayor, recorder and two of the aldermen, who should be justices of the peace within the city, and the common clerk of the city, or before four, three or two of them at the least; of whom either the mayor or recorder was to be one: its jurisdiction embraced all causes of action to any amount, in matters personal, arising within the city or the suburbs, liberties and precincts thereof. By the 9th Geo. III. c. 95. as recited and confirmed in the charter of Geo. III. the powers of the court were extended into the adjoining part of Bathwick.

The juries for the court of record were summoned by the officers of the bailiffs; and the persons taken were inhabitants of the town who were householders, without reference to their being or not being freemen.

The serjeants at mace are, by the charter, the sole attornies of the court; and all proceedings were carried on in their names: for this privilege, they received some trifling fees: it does not appear that this nominal monopoly has had any connexion with the desertion of the court, which is attributable rather to the unrestrained power of removal of actions from it, by Habeas Corpus and Certiorari, and to the small scale of fees allowed. Small debts are recovered with much more facility in the court of requests. The proceedings of the court of record are exactly the same as those in the superior courts. The fees payable to the

prothonotary and the taxed costs would be about two-thirds of the taxed costs of a cause in the court of King's Bench.

The Court Leet is held before the town-clerk, as steward of the manor, the jurisdiction of which is now blended with that of the city. The corporation have no record of the mode in which the lordship of the manor, under which title this court is held, became originally vested in them. The fees estreated into the Exchequer belong to the Bishop of Bath and Wells, under a composition made by the city about the year 1827. Court Leet.

The Court of Requests has very considerable business. Its jurisdiction comprises the city of Bath, the hundreds of Bath Forum and Wellow, and the liberty of Hampton and Claverton, containing a population of about 70,000. The most distant part within its limits is about seven miles from Bath. By the Act 6 Geo. III. c. 16, which first established a Court of Requests at Bath, the demand recoverable in the court must have been under 40*s.* The present Act, 45 Geo. III. c. 67, gives a jurisdiction for any sum not exceeding 10*l.* in all actions or causes of debt or assumpsit, whether on simple contract or on specialties, and also in trover for the taking and detention of goods. The court sits every Wednesday, and sometimes adjourns to Saturday, in order to dispose of all the causes that come before it within the week. It is constituted by a barrister of six years' standing, called the Assistant Barrister, (who is appointed by the Lord Chancellor), and about 140 commissioners. The select body of the corporation are commissioners *ex officio*, but do not often sit in the court. The rest of the commissioners are gentlemen, retired tradesmen, and tradesmen in business. The commissioners, in rotation, are summoned to sit with the assistant barrister, whose presence is always required; six or seven usually attend. The fees authorized by the Act to be taken are proportioned to the sum sought to be recovered, the causes for this purpose being divided into four classes of debts, amounting respectively to 10*s.*, to 40*s.*, to 5*l.* and to 10*l.* Court of Requests.

On an average there are 80 fresh causes entered every week; and this list is commonly disposed of in the week by the causes being either tried or compromised.

The form of proceeding is by a summons which shortly states the cause of action; and both plaintiff and defendant are examined upon oath.

The court has a power of imprisonment varying with the amount of the debt.

A Return made to the House of Commons in 1827, gives the following number of persons committed and imprisoned under the authority of this Act, in the years 1825 and 1826. We did not procure any more recent Returns, but the business of the court is stated to be nearly the same as at that time.

AMOUNT OF DEBT, exclusive of Costs.		Not more than £.1.	Not more than £.2.	Not more than £.3.	Not more than £.4.	Not more than £.5.	Not more than £.10.
Period of Imprisonment during Days		20	40	60	80	100	200
1825	Number of Persons Committed	121	78	41	23	35	60
	Number who went to Gaol	17	5	5	5	5	9
1826	Number of Persons Committed	122	85	39	35	25	85
	Number who went to Gaol	19	17	6	12	7	15
Total 1825 & 1826	Number of Persons Committed	243	163	80	58	60	145
	Number who went to Gaol	36	22	11	17	12	24

Of the total number of 53 imprisoned for debts above 3*l.*, about 36 were discharged by the commissioners for the relief of insolvent debtors.

The place of confinement used by this court is the Bath City Gaol.

The City Gaol is situated in Bathwick; it is repaired at the expense of the corporation, and visited by the city magistrates about once a quarter, or oftener on extraordinary occasions. About the time of the decision that the city of Bath was liable to the county rate, it was in contemplation to build a new and more commodious gaol, but in consequence of the expense of the removal of prisoners being then transferred to the county, this scheme was abandoned; and all prisoners, whom the city magistrates commit to hard labour, are now sent to the county house of correction at Shepton Mallet, near Wells, a distance of 18 miles. Gaol.

About 200 prisoners are sent there yearly, including vagrants and those committed for trial; a few are sent to the county gaol at Ilchester, distant 33 miles. The average charge

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to the county for removals and maintenance whilst remaining for further examination, is from 150*l.* to 160*l.* per annum. More than this number are sent by the county magistrates of Bath Forum district, a principal part of whose prisoners come from the immediate neighbourhood of the city.

There are three watchhouses, one in the market-place, another in Walcot, and another in Bathwick, in which disorderly persons in the city are confined for the night, and until taken before a magistrate in the morning. The city gaol is chiefly filled by the debtors of the Court of Requests; it is also used as a lock-up for felons under examination.

There are now 13 debtors in the gaol and eight misdemeanors; the gaol allowance is one pound and a half of bread daily; this is provided by the gaoler, who makes out a quarterly account of it, called the Bread Bill. It averages annually about 80*l.* This sum does not include sixpence a day, which by 52 George III. is allowed daily from the parish rates to prisoners on mesne process from the court of record. There are very few of these at any time. The parish allowance is received in money by those who are entitled to it. The prisoners from the court of requests are not entitled to the gaol allowance, but usually receive it in the following manner. On application the gaoler furnishes to each imprisoned debtor a blank form of certificate of his inability to pay the debt for which he is confined, in the nature of a recommendation for gaol allowance. This is addressed to the mayor, and on its being signed by the overseer and clergyman of the parish in which the debtor had been residing previous to his imprisonment, it is countersigned as a matter of course by the mayor, and becomes the gaoler's authority for issuing to the certificated debtor the prison allowance. The corporation appoint a chaplain and surgeon to the gaol, who receive each 50 guineas, paid by the chamberlain.

The gaoler receives a salary of 120*l.* from the bailiffs, whose servant he is, and from whom he has his appointment. The present gaoler has held the situation about ten years. He acts also as the bailiff's officer in the execution of processes from the court of record, for which he receives the usual fees.

He is allowed to take the profits of the two fairs, which amount in all to about 30*l.* more, consisting in rents for booths and stalls, and tolls on sheep and cattle sold in the fair.

POLICE.

6. The city of Bath, that part of the parish of Walcot which is out of the city, and the parish of Bathwick, are under three distinct Police Acts, and three independent boards of commissioners.

City Police Act.

The present Police Act for the city is the 54 Geo. III., entitled "An Act for better paving, cleansing, lighting, watching, regulating and improving the city of Bath." The commissioners are the mayor, two senior justices, four other persons elected by the mayor, aldermen and common council, and four not being members of the corporation, elected by each of the three city parishes in vestry. The parochial commissioners are elected for four years only; there is no limitation for the others. The parochial commissioners become disqualified as such, if chosen into the corporation.

Under this Act, seventy-two watchmen, six constables and two inspectors are engaged. Their duties are confined to the nightly watch; they have no power to act as a day police, the duties of which, in the city, are performed by the mayor's officers. The chairmen are sometimes sworn in as special constables, but are not found very effective.

The rate is general: there is a power to assess to the extent of 1*s.* in the pound; but the rate has never yet exceeded 8*d.* The city has been lighted with gas since 1819. The commissioners contract with a private Gas Company.

The accounts are not printed; but the Act requires they should lie for public inspection at the Guildhall before they are passed.

We subjoin an account of the receipts and expenditure of the last five years:—

RECEIPTS:

Year ending June	1829.	1830.	1831.	1832.	1833.	Average.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Balance	47 7 11	1,316 15 1	1,731 13 2	1,260 14 3	328 7 –	
Rates	5,285 – 1	4,456 19 10	4,303 3 9	4,204 12 4	4,562 9 1	4,562 9 –
Fines	– – –	1 7 6	2 – –	6 5 –	5 11 –	3 – 8
Trader's Bill for Pitching	– – –	– – –	– 14 –	14 14 –	56 19 2	14 9 5
Sundries	2 18 6	– – –	6 5 –	– 4 6	– – –	1 17 7
Balance overpaid	– – –	– – –	– – –	– – –	260 11 4	
£.	5,335 6 6	5,775 2 5	6,044 15 11	5,486 10 1	5,213 17 7	

PAYMENTS:

PAYMENTS:

Year ending June - -	1829.			1830.			1831.			1832.			1833.			Average.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Cleansing - - - -	350	–	–	350	–	–	345	–	–	500	–	–	600	–	–	429	–	–
Lighting - - - -	1,475	11	–	1,479	2	–	1,480	1	–	1,485	15	1	1,493	–	4	1,482	13	10
Watching - - - -	1,545	–	11	1,691	7	5	1,927	–	5	2,040	9	–	2,124	–	8	1,865	12	10
Incidental - - - -	10	8	1	29	12	6	23	11	1	12	1	9	20	2	–	19	3	1
Law - - - - -	17	13	4	5	18	6	37	3	3	66	6	9	-	-	-	25	8	4
Pitching Bills paid for others	-	-	-	-	-	-	19	5	1	-	-	-	133	–	3	30	9	1
Salaries - - - -	342	–	–	342	–	–	359	17	–	355	13	–	342	–	–	348	6	–
Rent - - - - -	9	15	–	-	-	-	10	10	–	5	5	–	5	5	–	6	3	–
Rewards - - - -	8	–	–	-	-	-	17	–	–	37	–	–	7	–	–	13	16	–
Tradesmen's Bills, Pitching -	185	19	4	145	8	10	187	2	5	554	11	1	306	4	8	275	17	3
Foot Causeway - - -	73	17	9	-	-	-	376	11	5	101	1	5	183	4	8	146	19	–
Balance - - - -	1,316	15	1	1,731	13	2	1,260	14	3	328	7	–						
£.	5,335	6	6	5,775	2	5	6,044	15	11	5,486	10	1	5,213	17	7			

That part of the parish of Walcot which is not within the city liberties, is regulated as to lighting and watching by two separate Acts, 33 Geo. III. and 6 Geo. IV. Walcot Police Act

By the 6 Geo. IV., the election of commissioners takes place at vestry. The corporation, as such, are not commissioners under these Acts; but are not disqualified for being so. The Commissioners are elected for four years. The requisite qualification is the possession of property in Walcot, or the city of Bath, of the annual value of 150*l.*, or 4,000*l.* personalty. The present number of those who have qualified is 22. The power of rating is as far as 1*s.* in the pound. The actual rate levied at the present time is 10*d.* The accounts are not printed, but are open to the inspection of the rate-payers.

All the watchmen appointed under these Acts are sworn in as special constables, and form a body of police who act by day as well as by night, and are organized on the same system as the London police. It is found to be very effective.

The commissioners contract with a private company to light this part of the parish with gas. There is a small debt of about 150*l.* It is expected that this will be soon liquidated.

The Bathwick Police Act, 41 Geo. III., is for paving, lighting and watching. The commissioners fill up vacancies in their own body, as was the case in the old Walcot Act. The qualification is the possession of freehold property in Bathwick, of the annual value of 60*l.*, or a term exceeding 40 years, in property of the value of 150*l.*, or 1,000*l.* personalty. The corporation are not *ex-officio* commissioners, but the members of it are not disqualified from becoming so. Bathwick Police Act.

The commissioners levy 1*s.* in the pound, the full value of the rate allowed. The total amount of the rate levied in Bathwick is about 1,600*l.* There is a floating debt which seldom exceeds 300*l.*

There is no separate local Act, nor are there any provisions in the above Acts relating to Lyncombe and Widcombe, a parish which closely adjoins the city of Bath, and the most populous parts of which are separated from it only by the river Avon. Lyncombe and Widcombe.

The parts of Lyncombe and Widcombe which are near the bridge are very densely inhabited, and a great number of small houses have been built there within a few years. Great inconvenience is stated to arise from the Bath police having no power to go beyond the bridge, and disturbances are said to arise on that side of the bridge in consequence of their being no regulations for lighting it.

There can be no doubt that an union of the city board of commissioners with those of Walcot and Bathwick, for the purpose of keeping on foot an effective police, with an extension of their jurisdiction over Lyncombe and Widcombe, or at least part of it, would be an advantageous measure. At present there are in the same city, practically speaking, four distinct establishments of watchmen and police officers; the mayor's officers and tithingmen, the city watchmen, the Bathwick watchmen, and Walcot police; to which upon the same system would be added a fifth, were it not that Lyncombe and Widcombe is at present altogether uncared for. It is impossible that the independent bodies, from whom these separately derive their authority, should not materially interfere with the efficiency of each other, in a space by no means too extensive to be brought under the complete superintendence of a single board.

7. The corporation do not interfere with the management of the poor. They have the presentation to the rectory of Bath, and to the mastership of St. John's Hospital. The present rector is the son of an alderman. His predecessor was the uncle of an alderman, and father to the present master of St. John's Hospital. The rectory is said to be worth about 800*l.* per annum; the four parishes of St. Peter and Paul, St. James, St. Michael, and Lyncombe and Widcombe being united. The nomination is in the whole body. Patronage.

8. Before entering into the general statement of the revenues and disbursements of the corporation, it may be advisable to premise an account of some property which they hold under peculiar circumstances, in trust for all the resident citizens, who participate equally in its annual Revenue. Freemen's Estate.

BATH.

annual profits. This is called the Bath Common Estate, and the management of it has been a principal subject of dispute between the select body and the citizens at large.

The land now known by the name of Bath Common, is not within the precincts of the city of Bath, but joins it on the westward in the manor of Barton and parish of Walcot. The whole is within the new parliamentary boundary. Warner, in his history of Bath, cites from the rolls of the Augmentation Office, (cart. S. 68), a grant by King John to the prior and monks of Bath, of the Barton and its foreign hundred, in frank almoign; and on the dissolution of monasteries by Henry VIII., the manor or grange of Barton Regis appears in the survey of the possessions of the monastery of Bath.

After the dissolution, a right of common continued to be claimed by the citizens over the Barton Grange, by virtue of an agreement with the prior of Bath, dated 1260.

At the close of the 16th century, this became a subject of frequent dispute between the citizens and the lord of the manor.

Award of N. Hyde.

In 1619, the matter was referred by consent to Nicholas Hyde, Esq., then recorder of the city of Bath, who, "well perceiving that if the common claimed by the citizens should be by them enjoyed, it would much more prejudice the farmer of Barton than advantage the citizens;" and being of opinion "that it would be a fitter course that a certain portion of the farm ground should be allotted to the citizens, to use for their best profit," awarded, that, instead of the commons so claimed, the mayor, aldermen and citizens of Bath and their successors, should hold to their own use a parcel of the Grange of Barton, called West Field, and that the residue of the Grange should be held in severalty free and discharged of all common and claim of common by the mayor, aldermen and citizens.

The award further ordered, that West Field should for ever thereafter be called Bath Common, "and should be used for ever as a common for the citizens and free burgesses of Bath, inhabiting in the said city," and that the same should "be ordered and governed, hayned, freethed, stocked and husbanded according to the orders and constitutions to be made and established by the mayor and common council of the said city, always with this provision, that the same lands or any part thereof, be not at any time converted to the private profit of any in particular, but of the burgesses in general; and that every free burgess, inhabiting in the said city, should be permitted to have and take like commodity thereof one as another." The award then proceeds to describe the means for executing the severance and vesting the Bath Common in the mayor, aldermen and citizens, to the uses aforesaid.

We have set out some of the terms of the award at length, because out of them has arisen the dispute already mentioned. The Bath Common (about 100 acres of land) is still held in severance from the rest of the Barton, pursuant to the award. It is not, however, now used as a common, but is let as a grazing farm on a seven years' lease, and the net profits are divided annually among all the resident citizens. The accounts are kept separately from the rest of the corporate property, in a book called the Freeman's Book. They are examined by the Committee of Audit, appointed for the general revenues of the corporation. It is doubtful whether the citizens would be admitted, as a matter of right, to inspect the items of account, or to interfere with the audit, as the question seems not to have been made. An abstract, or balance sheet, is printed annually for their use.

The point in dispute is, that a large body of the citizens wish the land to be let on building lease, which the common council refuse to do, alleging that by the terms of the award they could not give covenants for quiet enjoyment. Two attempts have been made, the last in 1806–7, to obtain an Act to enable the mayor, aldermen and citizens to grant building leases of Bath Common; but both Bills were met by strong opposition of the proprietors of the neighbouring houses, and were thrown out. The Bills were solicited by the town clerk, and the expense (which exceeded 400*l.*) was charged to the Freemen's estate.

It has been said, but at this distance of time it is not to be expected that we could procure any positive evidence of it, that although the corporation, as a body, were nominally the promoters of the Bill, many influential members of the common council were active in their individual opposition to it.

There can be no doubt that the beauty of this part of the city, and the value of the adjoining property, would be materially impaired if the common (which lies on the southern slope of Sion Hill) should be built over. It is, therefore, not improbable that the individuals alluded to may have been personally hostile to the scheme, although, in their corporate character as trustees, they might think themselves constrained to go through the form of attempting to carry a measure which, in fact, they deprecated. We are not required to give any opinion on the real force of the supposed necessity for the Act. The preamble of the Bill in 1806–7 states, that "for upwards of a hundred years last past the mayor, aldermen, and common council of the city have let the said common to tenants at certain rents, for the benefit of the resident burgesses, and that all right and enjoyment of common during that time had wholly ceased; but that the right of the citizens to depasture their cattle thereon does not appear to have ever been formally extinguished." Of course the value of the estate would be greatly increased if it were employed in the manner suggested.

The amount divided in ordinary years among the freemen now varies between 500*l.* and 600*l.*

An offer was made to the corporation about 16 years ago, to take a small plot of the land between Marlborough Buildings and the Bristol road, being about 175 yards in length and 300 feet in depth, at 400*l.* per annum ground-rent, and several proposals have been made at different times for taking the whole common, and plans prepared for covering it with detached houses, which have been all declined, on the grounds above mentioned. With the exception of this principal question, no fault appears to be found with the management of the property.

About

About ten acres of it have been recently laid out as a public walk and pleasure-ground called the Royal Victoria Park. This is in a line with the Crescent Fields, below the Royal Crescent, the property of Lady Rivers, which are covenanted not to be built upon. A sum between 7,000*l.* and 8,000*l.* was raised by subscription, for inclosing and planting Victoria Park, the subscribers taking an assignment from Gibbons, the lessee of the common, of his term in the land, with the consent of the common council.

The corporation made a donation of 100*l.* to the Park committee, which they have continued annually.

The Park committee pay the same rent that was deducted from Gibbons' rent, on account of the assignment of these ten acres. No agreement has been yet entered into for any renewal of the lease of the Park at the end of Gibbons' term, which is on the point of expiring.

Besides the park, about two acres of the common, including a cottage, are agreed to be let on an improving lease, for 21 years from the expiration of Gibbons' term.

A farm-house has been recently erected on the Freemen's estate, the cost of which was about 680*l.* The corporation subscribed 400*l.* towards it. Besides this, and Davie's cottage, there are two other tenements on the estate not included in Gibbons' lease; one, a piece of ground for which the personal representatives of Mr. Henry Bosanquet pay 2*l.* 2*s.* a year; the other, a house which is rented at 15*l.*

There are also five or six hovels between Marlborough Buildings and the Bristol road. These are all the buildings now on it, besides the farm-house.

There was a small wood-house, that let for 5*l.* annually, and a tollhouse adjoining it, which brought in the same sum, built by the trustees of the Bath Improvement Act. These have been pulled down, in consequence of the widening of the road and formation of the park, and the rental of the estate has been diminished by that sum. It does not appear that any consideration has been received for them.

Besides the rental above mentioned, the estate is also credited with the proceeds of certain door and water rents, the former arising from payments made by the tenants of Marlborough Buildings for a doorway into the common, which they adjoin, and the latter from certain waterworks connected with the springs rising in the common. The use of these springs was usurped about 1791 by a private water company, and pipes were laid for supplying the houses in the neighbourhood of St. James's Square. In 1798 the corporation recovered them, and purchased the company's plant for about 570*l.*, which, as well as the cost of repairing the pipes, is debited to the estate. The amount of door and water rents now received is about 150*l.* a year, carrying the gross annual profits of the common to something near 700*l.* Against this must be set the ordinary outgoings connected with the management of such property, besides a commission of 2½ per cent. on the gross receipts, taken by the chamberlain for managing and keeping the accounts.

Six months' rent of the farm is always in hand, and is deposited with the city bankers, paying no interest. This is taken in advance as security from the tenant, but cannot be divided until actually due, because the resident citizens are a fluctuating body; and some might otherwise receive a dividend, to which, at the expiration of the year, it might appear they were not entitled.

General Fund.

The general accounts of the corporation property are kept under a variety of distinct heads, and in consequence of there being no profit and loss account in respect of each of them, it is impossible to point out distinctly the net value of the several items of which their property consists. The most convenient method of exhibiting a view of it, appears therefore to be by giving a copy of the balance sheet of the last year, with a comparative statement of the several amounts received and paid in various successive years, under the principal heads, and to subjoin to these general explanatory remarks, nearly in the order in which they occur in the accounts. It has been, of course, impossible for us to undertake any thing like an audit of the expenditure of such large sums as pass annually through the hands of the corporation of Bath, in the period allotted for our inquiries. We have therefore contented ourselves with a general review of the whole.

We feel ourselves bound to add, that all the books were submitted unreservedly to our inspection, and every disposition manifested by the officers of the corporation to facilitate our inquiries as far as we expressed a wish to make them. The free citizens derive no direct benefit from any part of the corporate funds, except from the Bath Common; and have no access to the accounts, or control over the expenditure. If the select body is to be considered as the only party interested in them, the superintendence appears to be as complete as can be desired. The accounts are audited annually before they are passed, and all bills are approved and signed by two members of the corporation (usually the mayor and one of the other magistrates) before they are paid. On all extraordinary occasions a special committee is appointed. A bye-law provides, that no member of the corporation be allowed to vote on any question affecting property belonging to the corporation, either at the hall or in any committee, in which he shall be personally interested.

It was ordered in 1731, that no new work exceeding 5*l.* should be commenced by the mayor or chamberlain, without consent of the whole select body; this sum is now increased to 20*l.*, and the penalty for exceeding it is 50*l.* Another order of the date 1731, provides, that no chamberlain should be chosen mayor till he had passed his accounts, from which it may be gathered, that a contrary practice had before that time prevailed. It has been already mentioned, that the modern custom is to choose a chamberlain who is neither an alderman nor common councilman.

COMPARATIVE VIEW of the AMOUNTS carried to the CREDIT and DEBIT of the CHAMBER in the under-mentioned Years.

CREDITS:

YEAR ending October -	1801.	1802.	1803.	1804.	1805.	1828.	1829.	1830.	1831.	1832.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Balance in hand from last year's Account - -	217 18 5¼	993 3 1¾	1,312 14 7¾	353 18 1¼	877 19 7¼	209 15 1½	2,322 13 9	1,685 11 3½	2,374 1 8½	—
Bond Debt - - -	- - -	400 - -	- - -	2,500 - -	- - -	- - -	- - -	6,000 - -	850 - -	—
Baths - - - -	862 4 8	894 18 10	877 5 1	923 10 8	998 9 1	324 4 6	377 14 4	1,255 12 10	1,507 19 -	1,442 13 9
Cattle and Corn Market	The Cattle and Corn Market was built about 20 years ago.				- - -	186 5 4½	201 12 -½	239 13 11	260 5 7	233 5 1½
Citizens' Admissions -	75 6 -	100 12 -	210 12 -	105 - -	1 16 -	787 10 -	262 10 -	1,050 - -	283 5 -	262 10 -
Fines and Renewals -	1,667 12 4	1,758 3 9	2,131 18 7	2,106 10 -	951 5 6	502 - -	1,226 9 2	1,423 8 4	2,576 6 2	2,003 18 8
Rents, Water - -	1,741 7 6	1,907 1 9	1,902 14 3	1,740 1 6	1,809 3 -	3,261 18 9	3,314 6 3	3,324 12 6	3,269 13 9	3,254 18 9
Rents, Land - - -	3,271 5 7½	3,288 13 7	3,291 16 6½	3,138 5 4½	3,168 17 6	3,881 17 1	3,921 8 -½	3,942 14 -	3,952 19 6½	3,967 3 11
Pump Room - - -	During these years the Pump Room was in lease; the proceeds are included in Rents.					712 5 6	564 12 -	382 6 10	399 4 11	416 4 2
Weighing Engine - -	231 11 6	235 - 6	250 6 8	226 6 2	245 15 -	579 9 -	606 4 8	635 10 2	595 19 6	598 4 -
Freemen's Estate - -	*13 6 5	- - -	*125 11 -	- - -	*5 6 5½	873 1 9	873 5 8	688 13 3	†1,088 1 6	677 15 -
Sundry Accounts - -	30 16 -	2 2 -	232 10 -	68 - -	120 8 -			198 15 9	301 16 6	259 1 2
Balance overpaid - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1,218 16 10	1,438 15 -½
£.	8,111 8 5¾	9,579 15 6¾	10,335 8 9½	11,161 11 9¾	8,179 - 1¾	11,318 7 -	13,670 15 11	20,826 18 10½	18,675 10 -	14,554 9 7

* At this time only the Balance on the Freemen's estate was entered in the Corporation Books, and not, as now, the gross Receipts and Payments.

† This amount is so large because of a donation of £.400 by the Corporation.

4,063

DEBITS:

Year ending October -	1801.	1802.	1803.	1804.	1805.	1828.	1829.	1830.	1831.	1832.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Balance to pay last year's Account - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1,218 16 10
Improvements and Improvement Bonds -	700 - -	563 16 5	2,500 - -	600 - -	700 - -	The last of these Bonds was paid in 1826; they were distinct from the City Bond Debt.				
Bond Debt - - -	- - -	1,200 - -	600 - -	100 - -	- - -	- - -	- - -	- - -	850 - -	—
Baths, Expenses - -	- - -	- - -	- - -	- - -	- - -	- - -	62 5 -	145 11 11	85 7 6	84 1 9
Buildings and Repairs -	2,312 15 11	2,042 2 6	2,006 - 9	844 7 1½	1,233 11 2½	694 4 7	1,267 13 6	5,986 14 6	6,957 5 2	3,394 19 8
Entertainments - -	194 7 -	28 17 3	366 15 6	54 16 7	110 5 3	117 1 9	380 8 9	754 5 5	161 3 5	80 2 11
Interest - - -	1,615 2 1	1,638 4 -	1,605 18 -	1,488 15 -	1,567 12 6	2,274 - 6	2,212 1 6	2,300 14 4	2,287 2 2	2,195 10 2
Law Expenses - -	156 7 11	- - -	- - -	- - -	- - -	- - -	344 11 4	126 18 5	9 16 3	61 7 11
Gaol Expenses - -	98 10 9	61 3 1	59 12 10	76 3 1	44 9 7	115 7 9	174 18 6	126 10 3	144 2 8	138 6 7
Printing and Stationery -	178 4 2	121 8 2	127 1 6	80 11 2	99 15 6	133 11 6	151 8 2	183 13 6	222 3 4	217 5 10
Pump Room - - -	During these years the Pump Room was in lease: the tenant paid the outgoings.					287 6 6	274 12 -	29 17 6	21 12 2½	24 7 2
Rates and Taxes - -	361 10 11	258 14 6	138 6 4	190 14 10	123 7 1	218 7 10	188 8 9½	283 10 2½	335 1 11½	298 18 8
Stipends and Wages -	900 16 -	1,387 15 -	1,752 10 4	1,666 6 -	1,783 11 4	3,184 5 6	3,012 14 8	4,139 2 6	4,110 8 10	4,097 6 6
Subscriptions and Donations - - -	- - -	- - -	- - -	- - -	- - -	245 13 -	215 13 -	505 13 -	750 13 -	636 14 -
Tradesmen's Bills - -	80 19 6	68 5 -	67 19 -	75 18 6	82 13 4	216 3 4	285 4 3	1,111 17 6	299 4 8	532 13 1
Wood, Coals and Candles	80 5 8	100 4 1	90 9 3	64 19 2	81 9 6	55 8 4	50 17 9	125 11 5½	145 4 11	142 3 11
Weighing Engine - -	30 19 -	- - -	7 10 -	60 10 -	- - -	242 11 4	238 19 -	5 8 5	10 9 2	15 6 1
Freemen's Estate - -	- - -	13 5 8	- - -	51 19 8½	- - -	1,211 11 4	1,125 8 11	686 4 9	1,424 10 -	371 15 2
Sundry Accounts - -	408 6 5	783 5 3	659 7 2	*4,928 11 -½	*1,124 16 7½			1,941 3 8	881 4 9	1,044 13 4
Balance - - -	993 3 1¼	1,312 14 7¾	353 18 1¼	877 19 7¼	1,227 8 2¼	2,322 13 9	1,685 11 3½	2,374 1 7½	—	—
£.	8,111 8 5¾	9,579 15 6¾	10,335 8 9¼	11,161 11 9¾	8,179 - 1¾	11,318 7 -	13,670 15 11	20,826 18 10½	18,675 10 -	14,554 9 7

* £. 4,900 laid out in these two years in the purchase of premises and incidental expenses.

BATH.

GENERAL STATEMENT of the CASH ACCOUNT, from the 13th October 1832 to the 11th October 1833.

The CHAMBERLAIN in account with the CHAMBER.

Dr.	£.	s.	d.	Cr.	£.	s.	d.
To Black Alms	68	–	–	By Balance	1,218	16	10
Bellot's Hospital	76	–	–	Annuities	296	12	–
Baths, Public	382	6	3	Bellot's Hospital	53	1	9
Baths, Private	1,060	7	6	Black Alms and Grammar School	273	3	2
Cattle and Corn Market	233	5	1½	Bread for the Poor	9	3	8
Citizens' Admissions	262	10	–	Baths, Expenses	64	1	9
Dilapidations	2	13	6	Buildings and Repairs	3,394	19	8
Fines and Renewals	2,003	18	8	Entertainments	80	2	11
Freemen's Estate	677	15	–	Freemen's Estate	371	15	2
Fine on James Gould	1	5	–	Interest	2,195	10	2
Milsom-street, pitching	24	6	8	Incidental Expenses	55	18	9
Rents, Water	3,254	18	9	Insurance	51	17	6
Rents, Land, &c.	3,967	3	11	Law Expenses	61	7	11
Rent, House and Land	84	16	–	Millsom-street, pitching	24	6	8
Power's Gift, Charity	2	–	–	Plans	115	4	–
Pump Rooms	416	4	2	Purchase of Premises	85	–	–
Weighing Engine	598	4	–	Prisoners' Allowance and Gaol	138	6	7
Balance over-paid, carried to new Account	1,438	15	–½	Printing and Stationery	217	5	10
				Pump Rooms	24	7	2
				Quit and other Rents	87	8	–
				Rates and Taxes	298	18	8
				Stipends and Wages	4,097	6	6
				Subscriptions and Donations	636	14	–
				Stamps	12	17	10
				Tradesmen's Bills	522	13	1
				Wood, Coals and Candles, &c.	142	3	11
				Weighing Engine	15	6	1
	£. 14,554	9	7		£. 14,554	9	7

BALANCE over-paid in 1831–2	£. 1,438	15	–½
Ditto 1830–1	1,218	16	10
Excess of Expenditure above Cash Receipt	£. 219	18	2½

The conclusions to be drawn from an inspection of the table, must be modified by the consideration, that from time to time different modes of keeping the accounts have been adopted, fresh heads opened, and charges transferred from one head to another. This will serve in some degree to explain some of the most striking variations in the amounts from year to year. We shall now go through such of the various heads that call for remark nearly in the order in which they occur in the balance sheet of 1832–3.

Black Alms. Bellot's Hospital. Bread for the Poor. Power's Gift.

The entries under the title of Black Alms and Bellot's Hospital, Bread for the Poor and Power's Gift, refer to charitable funds, of which the corporation are trustees; an account of them will be found in the Fourth Report of the Commissioners for inquiring concerning Charities, pp. 269 *et seq.* p. 299, and App.

Baths.

The public and private baths are different branches of the same establishment, the exclusive property of the corporation, and of which they have always retained the management in their own hands. The profits under this head arise solely from the bathers, the price of a private bath being 2*s.* 6*d.*, and of a public bath, 1*s.* 6*d.*, or twenty for a guinea. The comparatively small sums which appear credited to this account in 1828 and 1829, arise merely from a change in the manner of keeping the accounts. In those years the serjeants-at-mace, who have always been the superintendents under the direction of a committee, used to pay all the attendants, and only the net proceeds were paid over to the chamberlain; but now the details are brought more before the committee, and the charges for attendance are carried to the account of stipends and wages. In the year 1832, the attendants at the baths received 632*l.* 11*s.* in wages. They are forbidden to receive any fees. Other charges affecting the baths would be carried to the heads of buildings, and repairs, tradesmen's bills, rates and taxes, and coals and candles, besides the specific item of Baths' expenses. All the baths belong to the corporation, except some small ones, formerly the property of the Duke of Kingston.

The

The revenue from the pump room, is made up of subscriptions for drinking the water, at the rate of 3*s.* a week, 1*l.* 1*s.* for three months, or 2*l.* 2*s.* for the year. The drawbacks are entered under repairs, stipends and taxes, besides incidental expenses. Since 1829, the incidental expenses have been diminished by the amount of the attendant's salaries, which are now carried to stipends. In the last year these amounted to 185*l.* 18*s.* There is no separate head on this account in 1801–5. They were at that time on lease, and included in the bath account. Pump Room.

Outside of the hot bath is a public pump, from the hot springs, which is allowed to be used gratuitously from six in the morning till five in the afternoon, and another near the King's bath, open from six in the morning till ten at night. In the night time they are chained up. Public Pump.

The Statute 29 Geo. III. c. 73, called the Bath Improvement Act, had principally in view the improvement of the baths and pump room. This Act is still nominally in force, although the purposes of it have been all attained. The mayor, recorder, aldermen and common councilmen, the town clerk, members for the city and others therein named, were appointed commissioners. The corporation disbursed 7,163*l.* 16*s.* 5*d.* in money, and gave up buildings and other property, valued at 9,006*l.*, towards the improvements, which consisted principally in rebuilding the pump room, and in the removal of houses, for the purpose of securing the springs and rendering the approaches to the baths and pump room more commodious. The commissioners were empowered to levy a toll on pleasure carriages, at all the principal lines of ingress into the city, and to raise 25,000*l.* on mortgage of these tolls. The tolls were directed in general terms to be applied to the purposes of the Act, and were only to cease on the extinction of the debt, towards which the corporation were bound to contribute 700*l.* annually, after the first disbursement of 7,163*l.* 16*s.* 5*d.*, for which they were also allowed time at the rate of 700*l.* per annum. By the wording of these clauses, it seems to have been left entirely to the discretion of the commissioners, who were principally members of the corporation, how much, or whether any, of the tolls should be applied towards the liquidation of the debt; and that they might have continued to receive the tolls until it was extinguished solely by the annual payments of the corporation, in whom the property improved under this Act was finally vested. In 1790, the commissioners issued bonds for 18,000*l.*, and in 1791, for the remaining sum of 7,000*l.* The corporation paid them 563*l.* 16*s.* 5*d.*, the balance of the sum they had agreed to advance in the first instance in 1802; and in the following year they commenced to pay off the commissioners' bonds, their payment in that year being 2,500*l.* The debt was finally extinguished in 1826, at which time the corporation had paid off 22,900*l.* of the 25,000*l.* borrowed, (or at the rate of about 900*l.* per annum), the balance of 2,100*l.* and interest having been liquidated by the commissioners out of the tolls. The commissioners did not pay off any part of the principal from the proceeds of the tolls until 1824, availing themselves so far of the generality of the clause, directing the application of the tolls. About 1803, Leonard Coward, Esq. bequeathed the residue of his personal property for the improvement of the city; in that and two following years, the commissioners received 7,344*l.* 10*s.* from his executors, which they applied to the purposes of the Improvement Act. Bath Improvement Act.

The accounts of the commissioners were not published. We were allowed to inspect them and make extracts. They were not fully posted up, so as to enable us to obtain immediately an actual balance sheet; but the following statement is supposed to show pretty accurately the nature of the transactions.

The Commissioners in account with the Improvement Trust.

Dr.		Cr.	
	£.		£.
To Received on account Bonds issued	25,000	By Bonds paid	25,000
Received from the Corporation on account Bonds	22,900	Interest	34,325
Tolls	48,046	Law	2,100
Sale of Lands	16,568	Purchase of Lands	49,042
Balance of Rent	3,700	New Buildings	8,302
Coward's Bequest	7,344	Salaries	2,467
		Taxes and Repairs	1,447
		Balance of sundry Accounts not copied by us	875
	£. 123,558		£. 123,558

When the power to levy toll ceased, a balance of about 70*l.* remained in the hands of the treasurer. It was for the purpose of this Act that the toll-house was built, mentioned in the Account of the Freemen's Estate to have been subsequently pulled down.

The Cattle and Corn Market is held every Wednesday and Saturday. The profits consist in the tolls and the rents of certain buildings, called corn binns, besides a ware-room. These are in the hands of the corporation; they are collected by an officer who receives a salary of 15*s.* a week. The market is under the management of a committee. The citizens have no Cattle and Corn Market.

 exemption

BATH.

exemption from the tolls, which are paid on every beast shown for sale, and every sack of corn pitched in the market. The standings are let to the market people by the year. This market was built about 20 years ago at an expense of 6,000*l.*, and must be charged with the expense of repairs and rates, besides the salary of 39*l.* to the collecting clerk.

Citizens' Admissions.

The nature and amount of the sums received for citizens' admissions have been already explained. They are a clear profit, unless it be considered that the valuable lease now always granted to the bailiffs, who practically are those who have recently contributed largely to this fund, may, in a certain sense, be taken as a set off against it. A question has been made by some of the citizens, whether the select body have any right to carry to their general funds the price of admission into the corporation, which confers a right to share in the freemen's estate; and it is contended that these sums should rather be carried to that account. We are unable to see any reason for considering these admission fees in any other light than that in which we regard the general corporate property.

The amount received for admissions between 1800 and 1832, was 5,274*l.* 6*s.*, during which time 20 citizens were admitted by purchase, and 123 by servitude.

Fines and Renewals. Rents, Land.

The items of fines and renewals and land rents, may be considered together. The corporation have more than 500 tenants, including those who pay to them fee farm rents, and charges of the like description, the annual amount of which is 319*l.* 18*s.* 11*d.* That is carried to account under the head of fines and renewals. The item of 3,967*l.* 3*s.* 11*d.*, entered under land rents, consists of receipts on account of property of the annual value of 2,233*l.* 1*s.* let at rack rents, 1,188*l.* 5*s.* 7*d.* leasehold for absolute terms, and 536*l.* 10*s.* 6*d.* leaseholds determinable on lives. There are only three members of the select body, besides the bailiffs, who hold any property under the corporation. They are tenants of four or five houses.

The most valuable part of the property let on long terms absolute is in Millsom-street, the greatest part of which is corporation property. Building leases were granted between 1755 and 1776, for 99 years. By an agreement with the tenants, the corporation have paved part of the street, and charge the expense proportionately in the account with each house, which explains the appearance of this item on both sides of the account.

The greatest part of the buildings within the old city walls is held of the corporation, on quit-rents for terms of 99 years, determinable on three lives. The old bye-laws of 1646 provided, that none of the city lands should be granted for more than three lives, or 99 years determinable on three lives, or for 21 years certain; except to an alderman or common councilman, who might have a term of 42 years; and that all leases and grants of land were to be made on the Mondays after Michaelmas and Christmas-days, the Annunciation, and St. John the Baptist's Day, and at no other times: the latter provision has been recently modified by the addition of the words "or as soon after as conveniently may be." The former had been long obsolete, and is now repealed.

The terms on which the corporation renew their leases appear to be very low; the fine for three lives is 14 years' purchase; for two lives, three years' purchase; and for one life, one year's purchase; estimated according to the actual rent or value. The leases are all drawn in the town clerk's office; the expense of them is borne by the tenants, and adds to the emoluments of the town clerk. The average annual number of renewals is stated to be about 14. In 1810, the chamberlain recommended that the leases held on lives should be converted into leases for 99 years absolute, and this proposition was renewed in the Report of a Committee in 1816, who also recommended, that they should be let on increased ground-rents without fine, and that the increase of income that would thus accrue should be appropriated to the discharge of the debts of the corporation: it does not appear that either of these suggestions has been acted on.

Bailiffs' Lease.

In the leasehold property let at rack rent, is included the lease to the bailiffs of the retail market. The custom of granting this lease to them has prevailed at least during a century and a half. In the earliest period the rent appears to have been 30*l.* In 1824, it was 420*l.*, and in the following year was raised to 500*l.*, at which it has since remained. In 1827, a committee was appointed to regulate and equalize the rents, which are now charged pursuant to their recommendations, according to the frontage and depth of the standing. There is also a pitching toll for baskets on the outside of the market; this last has been made heavy in order to discourage them, as they occasion obstruction in the street. The butchers' standings vary from 4*l.* to 6*l.* per annum. There are a few as high as eight guineas. The fishmongers' standings are the highest; some of them as high as 1*l.* a week.

The following is an abstract of the bailiff's receipts and expenditures, during the last seven years:—

RECEIPTS:

	1826.	1827.	1828.	1829.	1830.	1831.	1832.	AVERAGE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Tolls - - -	258 9 6	282 6 5	286 13 10	322 9 1	259 - -	188 1 10	229 8 5	261 - -
Rents - - -	1,441 8 3	1,420 3 9	1,524 12 6	1,432 8 3	1,459 8 10	1,596 14 6	1,624 10 7	1,500 - -
Total - - £.	1,699 17 9	1,702 10 2	1,811 6 4	1,754 17 4	1,718 8 10	1,784 16 4	1,853 19 -	1,761 - -

PAYMENTS:

	1826.	1827.	1828.	1829.	1830.	1831.	1832.	AVERAGE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Rent - - -	500 - -	500 - -	500 - -	500 - -	500 - -	500 - -	500 - -	500 - -
Market Expenses -	135 17 4	130 16 -	131 19 1	121 12 -	119 9 -	116 12 6	120 - 9	124 - -
Taxes - - -	58 12 3	59 9 3	82 9 8½	59 9 9	72 19 9	86 14 9	69 7 2	70 - -
Gaoler's Salary -	120 - -	120 - -	120 - -	120 - -	120 - -	120 - -	120 - -	120 - -
Incidentals - -	44 16 8	47 10 3	61 1 4½	47 5 9	60 11 4	53 4 3	50 1 8	52 - -
Entertainments -	155 8 -	159 - -	135 9 -	182 3 6	222 - -	190 11 1	273 15 3	188 - -
Balance - - -	695 3 6	685 14 8	780 7 2	724 6 4	623 8 9	717 13 9	720 14 2	707 - -
Total - - £.	1,699 17 9	1,702 10 2	1,811 6 4	1,754 17 4	1,718 8 10	1,784 16 4	1,853 19 -	1,761 - -

Water Rents.

The corporation have always possessed the springs on Beechen Cliff and Beacon Hill, and those on Bathwick Down were vested in them by 9 Geo. III. They have reservoirs in each of these places. The hills which surround Bath abound in springs, within 50 feet of their summits, and no forcing apparatus is required for supplying any part of the town. The corporation were empowered to bring water into the town, by the old Police Act, 6 Geo. III. Almost every great landed proprietor has waterworks for the supply of his own tenants; and in some of the building-leases it is covenanted that the tenants shall take their water of the ground landlord. The corporation insert no such covenant in their leases; but in consequence of the greater extent of their works and more abundant supply of water, they have the preference, although their rates are higher than those demanded by individuals. None of the waterworks are owned by incorporated companies, except the corporation of Bath. Several instances were named to us, in which the corporation had been finally resorted to for the supply of water, after competition with individuals, under circumstances apparently the most advantageous to the latter. The water service is not confined to the limits of the city. In 1832, there were 2,190 tenants paying water-rent. The highest rate is 2*l.* 15*s.*, and the lowest 20*s.*, except in some courts where several small houses have a common cistern, at 10*s.*

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10*s.* An adjustment of the water-rents took place in 1816, at which time they were very unequally assessed, and the rates were altered in 1819. The effect was to increase the rental by about 550 *l.* The corporation do not own the land in which these springs rise; they pay a ground-rent for the reservoirs.

By a clause in the Kennet and Avon Canal Act, the Canal Company are interdicted from taking water from any of the springs in the parishes of Bathampton, (a parish adjoining Bathwick,) Bathwick, Lyncombe and Widcombe, and Walcot, or in the city of Bath.

The outgoings connected with the waterworks will appear under stipends, rates, and buildings and repairs. The amount of stipends chargeable to this head in 1832 appears to be about 90 *l.*

In 1821 and 1822, more than 3,000 *l.* was expended in renewals of the pipes. There has been no outlay of such magnitude since that time; the average amount of repairs, in the last three years, is 288 *l.*

Weighing Engine.

The Weighing Engine is in the coal-market; it is used chiefly for weighing coals and hay. There are several private weighing-engines in the city, and there is no compulsion to use that which belongs to the corporation. No revenue is derived from the coal-market but by the tolls for weighing. There are three officers appointed to the engine, with fixed salaries; a clerk, assistant and constable: the clerk receives 90 *l.* per annum, the assistant 60 *l.*, and the constable 39 *l.*

Disbursements. Annuities.

The Annuities granted by the corporation consist principally of pensions to old servants; a few are occasionally incurred for the purchase of the remainder of terms nearly expired from the lessees of corporation property.

Buildings and Repairs.

Of the item of Buildings and Repairs, which figures so largely on this side of the account, we are not prepared to go into any detail. The improvements, of which the cost is carried to this account, are quite distinct from those executed under the Improvement Act; none of which come in any shape into the corporation accounts, except in the payment of the commissioners' bonds.

Interest.

The amount of Interest is paid on corporate bonds, which also must be distinguished from the Commissioners' improvement bonds. The present bond-debt of the corporation is 55,863 *l.* 16*s.* 3*d.*, 8,000 *l.* of which are held by members of the select body. The progress of this debt, in the present century, is shown in the following Table; in which those years only are entered in which any change occurred in its amount.

YEAR.	DEBT.			YEAR.	DEBT.		
	£.	*s.*	*d.*		£.	*s.*	*d.*
1797 - - -	29,300	–	–	1812 - - -	46,726	17	6
1798 - - -	33,400	–	–	1813 - - -	48,726	17	6
1799 - - -	32,900	–	–	1814 - - -	49,356	17	6
1800 - - -	32,000	–	–	1815 - - -	49,506	17	6
1802 - - -	31,200	–	–	1816 - - -	48,163	17	6
1803 - - -	30,600	–	–	1819 - - -	48,863	17	6
1804 - - -	33,000	–	–	1821 - - -	50,663	16	3
1808 - - -	33,500	–	–	1824 - - -	50,513	16	3
1809 - - -	37,152	–	–	1825 - - -	50,113	16	3
1810 - - -	43,000	–	–	1826 - - -	49,863	16	3
1811 - - -	44,476	17	6	1830 - - -	55,863	16	3

The highest bonds are for 2,000 *l.* They go as low as 100 *l.* They used to bear interest at five per cent., but in 1830 were converted to four per cent. The corporation were not required to pay off any in consequence of the conversion. The commencement of the debt appears to have been more than 100 years ago; but we traced it back no farther than 1797. Since that date the increase has been 26,563 *l.* 17*s.* 6*d.*, so that it has nearly doubled itself in 36 years. In 1817, bonds to the amount of 6,000 *l.* were issued, which do not appear in this account, because they did not increase the amount of total debt, that sum having been previously secured by mortgage of some of the city lands, which was then paid off by the issue of bonds. Except so far as this may be considered an exception, and the issue in 1830 to cover the expense of the market, the bonds do not appear to be issued on any particular occasions; but whenever the corporation have been in need of money this expedient has been resorted to, and they have never experienced any difficulties in raising money to any amount required. In some instances they appear to have borrowed money, with a large balance already in hand. For instance, in the year 1804, the debt was increased by 2,400 *l.*; although the balance in hand, which, at the beginning of that year, was 354 *l.*, was increased at the end of it to 878 *l.*, and by the end of the following year, to 1,227 *l.*; so in the year 1830, the balance in hand increased from 1,685 *l.* to 2,374 *l.*, or 700 *l.* in the year in which 6,000 *l.* was borrowed for the market. It is true that in the following year, the surplus was converted into a deficit of 1,219 *l.*

Stipends and Wages.

It is impossible not to be struck with the increase of the account of stipends and wages. In the year 1791, the annual payment was about 360 *l.*, or less than one-tenth of its present amount. Part of the increase may be attributed to the alteration already explained in the management of the baths and pump room, which has charged this account with an addition of about 800 *l.* The chief increase, however, has been in the salaries of the superior officers, the

the variations in some of which are shown in the following table, in which, as before, only the years of change are entered: BATH.

YEAR.	Mayor.	Chamberlain.	Town Clerk.	Assistant Chamberlain.	Deputy Town Clerk.	TOTAL of Stipends of these Officers.
	£.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d
1794	105	105 – –	4 – –	– – –	– – –	214 – –
1795	420	200 – –	50 – –	– – –	– – –	670 – –
1804	525	262 10 –	50 – –	– – –	– – –	835 10 –
1805	600	262 10 –	50 – –	– – –	– – –	912 10 –
1811	600	262 10 –	50 – –	105 – –	– – –	1,017 10 –
1812	1,000	300 – –	50 – –	105 – –	100 – –	1,555 – –
1813	1,000	300 – –	50 – –	150 – –	150 – –	1,650 – –
1821	1,000	300 – –	50 – –	200 – –	150 – –	1,700 – –
1824	1,000	400 – –	500 – –	200 – –	– – – £.200 from Town Clerk	2,100 – –

Whilst the mayor's salary was 100 guineas, he was allowed another hundred expressly for entertainments.

The attention of the council seems to have been called to the almost nominal salary of the town clerk in 1794, when the arrears of 16½ years were paid. In 1811 a deputy was appointed, who at first had an annual vote for a gratuity, affording the unusual instance of a deputy whose services were valued at double those of his principal. He is now paid by the town clerk. The assistant chamberlain was not appointed until 1812. A surveyor was added in 1818, with a salary of 100 *l.*, and other additions have been made from time to time.

The annual salaries which the corporation now pay, appear to be nearly according to the following list:—

	£.	s.	d.
Mayor	1,000	–	–
Town Clerk	500	–	–
Chamberlain	400	–	–
Assistant Chamberlain	200	–	–
Serjeants at Mace	200	–	–
Surveyor	100	–	–
Chaplain to Gaol	52	10	–
Surgeon to Gaol	52	10	–
Organist	50	–	–
Clerk at weighing Engine	90	–	–
Assistant - ditto	60	–	–
Constable - ditto	39	–	–
Hallkeeper	40	–	–
Clerk of New Market	39	–	–
Mayor's Officers	268	16	–
Attendants at Baths	632	11	–
Ditto - Pump Room	185	18	–
Turncocks	84	17	–
Besides Gratuities to Tithing-men, Constables and Miscellaneous Items, amounting in 1832 to	102	3	6
£.	4,097	6	6

9. The city of Bath is too well known to require any particular remarks on its general condition. Property is said to have depreciated very much there for several years back; in some instances to the extent of 20 or 25 per cent. The tendency of the town to increase is chiefly in the parish of Walcot, and in Lyncombe and Widcombe. A new bridge has been recently thrown over the Avon, above Bathwick-street; there is also a suspension-bridge intended to afford a communication from Bathwick to the eastward of Grosvenor-place, on the London road. We were informed that there are many more permanent inhabitants than formerly. REMARKS.

In 1811, considerable apprehensions were entertained of the escape of the hot springs with which the prosperity of the city is so intimately connected, and heavy expenses were incurred by the corporation in puddling the ground through which they rise. The report of a committee on that year states the result of those works on the Hot bath:—

In 1693, it used to fill in	11½ hours.
Just before the puddling was executed, it filled in	16 —
And at the date of the report, 1811	8 —

An unsuccessful attempt was made about the same time by another engineer, on the Cross bath, which—

In 1693, filled in	11½ hours.
In 1748, —	16½ —
Before the attempt, in	26 —
Immediately after, in 1810, in	19 —
At the date of report, 1811, in	30 —

BATH.

The same report states that the temperature was reduced from 97 Fahr. to 91 Fahr.

The King and Queen's bath filled, in 1693, in - - - 9⅔ hours.
And in 1810, in - - - - - - - - - 13 —

An attempt was then made to puddle these springs also, but was discontinued, as it endangered the safety of the pump room.

No inconvenience is now felt from a deficiency of water in any of the baths.

The population of the various parishes in and adjoining the city, is shown in the following table:—

	POPULATION:		HOUSES:		VOTERS under the REFORM ACT.
	1821.	1831.	1821.	1831.	
St. James - - -	6,278	5,848	704*	656	317
St. Michael - - -	3,462	3,526	436	474	258
St. Peter and Paul - -	3,025	2,666	370	361	257
† Walcot - - - -	24,046	26,023	3,041	3,994	1,366‡
Bathwick - - -	4,009	4,035	1,611	759	310
Lyncombe and Widcombe -	5,880	8,704	1,077	1,545	317
Parliamentary Boundary -	46,700	50,802	6,239	7,789	2,835§

* The number returned in the Population Return of 1821, is 1,647, which is manifestly erroneous, and is explained in the Population Return for 1831, by supposing that each family had been erroneously stated to occupy a distinct house. We have therefore rejected that number, and put in the table a number proportioned to the population of 1821, compared with the houses and population of 1831, which cannot be very far wrong.

† This appears to include the population of the detached part of Walcot, which is not within the Parliamentary Boundary. We have not the means of separating it; but the error must be trifling.

‡ This number is unaccountably low, as Walcot is the richest quarter of the city.

§ Besides the Aldermen and Common Councilmen.

We transmit the following papers with this Report:—

Copy of Elizabeth's Charter.
Copy of George III.'s Charter.
Copy of Charles II.'s Charter.
Bye-laws of the City of Bath.
List of Members of the Select Body.
Rules of the Court of Record, 1752.
Forms of Summons (Court of Requests).
Form of Gaol Certificate.
Bath Police Regulations.
Receipts and Expenditure of City Police, 1814–1833.
Estimate of Expenditure of Watch (City).
Costs of Prosecution (Bath Guardian Society)
Hyde's Award (Bath Common.)
Bath Common Accounts, 1829–32.
Epitome of Rent Roll.
List of Bond-holders and Bond Debt, 1813–33.
Tolls of the Cattle Market.
Plan of the City, (in a case).
Bill for granting Building Leases (Bath Common).
Bath City Police Act.
Bath Improvement Act.
Bathwick Police Act.
Walcot Old Police Act (imperfect).
Walcot Police Act.

Other Acts of importance, of which we have no copies, are,—

The Bath Old Police Act, 6 Geo. III., unrepealed, as to giving power to Corporation to bring Water into the City. Recited in Bath City Police Act.

9 Geo. III., entitled, "An Act to empower the Trustees of the Will of the late General Pulteney, and other Trustees appointed by this Act, to purchase and exchange Lands and Grounds in the Manor of Bathwick, &c., and for extending the Jurisdiction of the Mayor, Aldermen and Citizens of Bath, over part of the said Manor of Bathwick, &c.

Edw^d J. Gambier.
J. E. Drinkwater.

REPORT

ON

THE CORPORATION OF BLANDFORD FORUM,

(DORSETSHIRE.)

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CORPORATION OF BLANDFORD FORUM.

1. THE borough of Blandford Forum does not contain more than one-half of the town, either in extent or in the number of its population. It lies wholly in the parish of Blandford Forum, but is not co-extensive either with the parish itself or any subdivision of it. It is, however, a manor of itself, and the bounds are well ascertained and defined. They were perambulated in the year 1827. LIMITS.

From the bridge over the river Stower on the road leading to Dorchester the Boundary line runs for a very short distance to the westward; it then turns to the north, and continues in a northern direction in Mr. Portman's grounds, then turns eastward into the street, and runs along the west side of the street, following the line of street by the Crown Inn and up part of Salisbury-street, but excluding the Crown Inn and all the houses on the west side of the street. The line diverges from Salisbury-street at the point where several streets meet, and takes an easterly direction until it crosses Damary-lane; it then goes southward on the east side of Damary-lane until it joins the road leading to Langton, when it takes a westward direction and forms a waving line as far as a field called the Marsh; it then turns to the south, crosses the river Stower, and runs along the south bank of the river in a westerly direction until it again joins the bridge upon the Dorchester road. Description of the Boundary.

To the west of Salisbury-street is a very populous part of the town, and along the roads to Salisbury and Sherborne there is also a considerable portion of town, all of which are out of the borough.

2. The borough of Blandford does not appear to have had any corporate existence until the reign of James I.; a Charter of incorporation was then bestowed upon the borough, dated 15th November, 3 James I., and a grant was made of the manor from the Crown to the bailiff and burgesses, bearing date the same day. The originals of these two grants were lost in a fire which consumed the greater part of the borough in 1731; copies of them have been preserved, and it is by the charter of James that the practice of the corporation is wholly regulated. HISTORY. Charters of James I.

3. This charter grants and declares that the burgesses and inhabitants of the borough, and also that the bailiff and inhabitants of the borough and their successors, shall be a Body Corporate, by the name of "The Bailiff and Burgesses of the borough of Blandford Forum, in the county of Dorset." CORPORATE BODY. Style.

In practice the corporation is understood to consist only of the bailiff and ten burgesses; but this select body is by the charter constituted the common council of the borough, and the ten burgesses, together with the bailiff, are called capital burgesses; so that it is clear that a larger number of persons was contemplated by the charter as forming the entire body corporate. The bailiff and other capital burgesses are chosen in the following manner. Constitution.

The Bailiff is chosen annually by the bailiff and capital burgesses from the number of the capital burgesses, and generally in rotation, on the first Monday after the feast of St. Matthew. He is elected for a year and until his successor is nominated and sworn. The bailiff takes his oath of office before his last predecessor, the steward of the borough, and the other capital burgesses who may be present at the court leet, the day for holding which is fixed at the day of the election; it is generally held about a month after that day. Bailiff.

The Burgesses, or Capital Burgesses, are elected by the same body from the resident inhabitants of the borough; and in order to procure proper persons to fill the office of burgess, it has been the practice to consider any inhabitant of the town whose shop-window projects into the borough as sufficiently resident within the boundary for this purpose. The capital burgesses are elected for life, and are sworn before the bailiff, the steward of the borough or his deputy, and the other capital burgesses who may be present. The existing number of capital burgesses, besides the bailiff, is seven, and one has lately died. Capital Burgesses.

BLANDFORD FORUM. Fees on Admission.

On the admission of each capital burgess a Fee of one guinea is paid to the town clerk. This fee is paid by the corporation.

Residence.

The bailiff and other capital burgesses are all required to be resident and are resident within the borough, with the qualification which has been already stated as to those whose houses are beyond the boundary but whose windows extend into the borough.

Officers.

4. The Officers of the corporation, in addition to the bailiff, are the following:—

Steward of the borough, who is called the Recorder;

Deputy Steward, who is called the Town Clerk;

A Chamberlain;

Two Constables;

A Serjeant at Mace.

Bailiff.

The Bailiff is *ex officio* coroner for the borough, and clerk of the market. He has no magisterial functions. He receives no salary or emoluments of any kind. There used to be formerly an allowance made to him, for the purpose of giving an entertainment at the court leet; but that has been discontinued for 30 years, and the bailiff now entertains the corporation at his own expense.

Steward or Recorder.

The Steward of the borough, or Recorder, as he is called, is chosen by the bailiff and capital burgesses, and holds his office during the pleasure of the same body. He is made by the charter a judge of the Court of Record; but this court having fallen into disuse, his only duty now is to hold the court leet. He is not required to be resident. His salary is two guineas a year.

Deputy Steward or Town Clerk.

The Deputy Steward, or Town Clerk, is appointed by the steward, with the consent of the bailiff and capital burgesses. His duties are the usual duties of a town clerk, and he is also by the charter made a judge of the Court of Record in the absence of the steward. The present town clerk is one of the capital burgesses, and his predecessors have generally been the same. The town clerk makes a charge to the corporation for any legal business which he may transact for them; but no charge is made, nor any remuneration given for attending corporate meetings. He receives also the fees which have been mentioned as payable on the admission of capital burgesses, and is paid by the tenants for preparing the corporation leases.

Chamberlain.

One of the capital burgesses is appointed every three years by the select body to fill the office of Chamberlain and Receiver of the rents and revenues of the corporation. He makes all disbursements and keeps the corporate accounts, but has no emolument for so doing.

Constables, Serjeant at Mace, &c.

Two Constables for the borough and a Serjeant at Mace are appointed yearly by the bailiff, and are sworn in at the court leet. The serjeant at mace is also hayward of the borough. He is usually continued in office for a succession of years. The constables are different persons every year.

The constables receive no pay from the corporation. The serjeant at mace is paid the charges which he makes every year for attendance and taking care of the Town Hall. This bill, which includes a hat once in two years, amounts to 8*l.* or 9*l.* a year. He has also a cloak given to him from time to time.

Besides the above officers, two inspectors of weights and measures, and two supervisors of fire continue to be appointed every year.

Courts. Court Leet.

5. The only court now in use within the borough is the Court Leet held before the steward or recorder. A jury is summoned to attend this court by the serjeant at mace under the directions of the bailiff who gives him the list. The jury is composed of the respectable tradesmen of the borough. An allowance of four guineas for a dinner is made to them out of the corporate fund.

Court of Record.

A Court of Record was granted by the charter to be held on Monday from three weeks to three weeks, before the bailiff or his deputy (being one of the capital burgesses) or before the steward or his deputy (who was to be allowed by the bailiff) and before two or more of the capital burgesses, to have cognizance of all personal actions to the amount of 10*l.* This court is remembered to have been still opened 50 years ago, but since that period it has been totally disused, and no records of it are known to exist.

Police, &c.

6. There is no general watch for the borough or town, nor any police force except the constables. The town is not lighted. The sewage is kept up by the corporation, and a certain portion of road in the town is also kept in repair by them.

There is no local Act of Parliament applying to the borough of Blandford, except one which was passed soon after the fire in 1731, for the purpose of rebuilding the town. It contains no general provisions but one, a prohibition against thatched roofs.

The

BLANDFORD FORUM.

7. The Corporate Revenues arise from the tolls of markets and fairs, from premises let at rack rent, from quit rents, from annual fines for encroachments, and from the renewal of leases on lives. REVENUE.

The tolls of the Markets and Fairs, which belong to the corporation, are let from year to year, and produce at present 38 *l.* a year. Markets and Fairs.

A field called the Marsh is let at Rack Rent for 8 *l.* a year, and a school-house is let in the same way for 10 *l.* a year. Rack Rents.

Quit Rents to the annual amount of 9 *l.* 18 *s.* 8 *d.* arise from 19 distinct properties, consisting of houses in the borough, some with gardens attached to them, and all let for 99 years determinable on lives. Quit Rents.

Small annual payments are made by different individuals for Encroachments on the soil of the borough of which the corporation are the lords. These amount to 3 *l.* 4 *s.* 6 *d.* a year. Fines for Encroachments.

The fines for Renewal of leases, on the average of 15 years past, may be computed at 39 *l.* a year. Renewals.

The heads of Expenditure are as follows: repairs of buildings, insurance and land-tax, repairs and expenses of road in the town, audit money or fee-farm rent, jury dinner, salaries and expenses of officers, and some small disbursements. Expenditure.

The Accounts, as made up by different chamberlains, frequently comprise several years. From 1823 to 1831 there was a single debtor and creditor account not balanced in any one of the intermediate years. These years contained the accounts of one chamberlain, and the practice of carrying them on for several consecutive years has arisen from their being audited only once upon the chamberlain's going out of office. They are then examined by the whole body of bailiff and burgesses. Accounts.

I do not find for the last 10 years any one account which is confined within the compass of a single year. I have selected a period which approaches the nearest to a year, namely, from the 12th November 1832 to the 25th December 1833, in order to exhibit the Receipts and Disbursements of the corporation, and the following is the summary of them. I subjoin to it an estimate of the probable future income of the corporation. Receipts and disbursements.

From 12th November 1832 to 25th December 1833.

RECEIPTS:	£.	s.	d.
Balance of former Account	2	12	1
Tolls of Markets and Fairs one year and a half	60	–	–
Rack Rents, viz: £. s.			
Marsh, two years – 16 –			
School-house, one year 10 –	26	–	–
Quit Rents, two years	19	17	4
Fines for Incroachments, two years	6	9	–
Renewals	140	–	–
£.	254	18	5

EXPENDITURE:	£	s.	d.
Repairs of Buildings	61	13	3½
Insurance and Land Tax	13	14	–
Repairs and Expenses of Road in the Town	60	7	11
Audit Money or Fee Farm Rent, two years	13	6	4
Jury Dinner	4	4	–
Salaries and Expenses of Officers	9	8	6
Petty Disbursements	3	17	6
Allowances to Lessee of Tolls	2	12	6
Balance in hand	85	14	4½
£.	254	18	5

PROBABLE FUTURE INCOME.

	£.	s.	d.
Markets and Fairs	38	–	–
Rack Rents	18	–	–
Quit Rents	9	18	8
Fines for Incroachments	3	4	6
Average of Renewals (15 years)	39	–	–
£.	108	3	2

Future Income.

8. The buildings of the town and its population are increasing from year to year, and as far as the poor-rate is any criterion the town does not appear to be in a declining state. The following is an account of the sums raised in the parish of Blandford Forum for the ordinary purposes of the poor-rate in the last four years. STATE OF THE TOWN. Poor-rate.

	£.	s.	d.
From 25th March 1829 to 25th March 1830	2,145	17	2
Ditto 1830 ditto 1831	2,071	7	10
Ditto 1831 ditto 1832	2,138	15	6
Ditto 1832 ditto 1833	1,662	9	6

BLANDFORD FORUM.

Manufactures.

The town comprehends 99 parts out of 100 of the population of the parish; and the poor-rate is therefore as accurate a test as a poor-rate can be, for judging of its advance or decline. There is a Manufacture of Shirt Buttons carried on principally or entirely by women and children, which is still considerable, though not so extensive as in former times.

Population.

The population of the parish in 1821 was - - - - 2,643.
Ditto - - - - - in 1831 - - - - - - 3,109.

Magisterial Jurisdiction.

A great inconvenience is felt at Blandford from the unruly state of the population, from the want of a Municipal Authority, and from the defect of the Constabulary Force in that part of the town which is out of the borough. The population beyond the bounds of the borough is of a description which requires more control than that which is within them, and there is only one constable or tythingman for all the part of the parish which is out of the borough. It is much desired by the corporation, and it seems to be for many reasons desirable, that magisterial authority, so far at least as regards the preservation of the peace and the preliminary inquiries into crimes and misdemeanors, should be confided to a body of civic magistrates.

Edwd J. Gambier.

The following documents accompany this Report:

Copy of the Governing Charter.

Return of Names, &c. of Officers.

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REPORT

ON

THE CORPORATION OF BRIDPORT.

(DORSETSHIRE.)

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CORPORATION OF BRIDPORT.

LIMITS.

1. THE old borough of Bridport is in every respect co-extensive with the parish. In Barrack-street a few houses are separated from the rest of the borough and parish by other houses, which are in Bradpole parish. There are no other detached parcels. The whole area of the old borough and parish of Bridport is very little more than 91 acres.

Proposed new Boundary.

The town extends into the parish of Bradpole on the north, and into that of Allington on the west. It was for this reason proposed to include parts of those parishes within the boundary of the new borough, as well as a portion of the parish of Walditch which contains some houses not far distant from the town.

Boundary settled by the Boundary Act.

It was afterwards determined to comprehend Bridport Harbour within the new borough, and accordingly a strip of ground a little more than a mile in length, and averaging about a quarter of a mile in width, was marked out, which connected the town of Bridport with the harbour. This last addition to the borough, which was made after the Boundary Commissioner had visited the place, is exhibited on the map which accompanies this Report. It comprises parts of three parishes, Bothenhampton, Burton Bradstock and Symondsbury.

HISTORY.

Charter of Hen. III.

2. The earliest Charter of which any certain memorial remains, is dated the 22d June, 37 H. 3. It granted and confirmed to the good men of Bridport that the town should be thenceforward a free borough, and that the men of the same town, and their heirs for ever, should hold the borough, with all liberties and free customs, to the same borough appertaining, at the yearly rent which they had before paid for the town, and forty shillings of increase: saving to the Crown the rights belonging to it in the town, and all other services. It granted also that the same men might elect from themselves, when they pleased, one or two bailiffs, who should be responsible for the rent, &c. This charter is set out by Inspeximus, and confirmed by several succeeding charters; by one of the 13th May, 2 Rich. II.; of the 12th May, 5 Hen. VII.; of the 30th January, 3 Edw. VI.; of the 7th November, 1 Eliz.; and of the 30th January, 3 Eliz.

Charters of Confirmation.

Charter of James I.

A full Charter of Incorporation was granted to the burgesses and inhabitants of Bridport, dated 2d November, 17 James I. It recited that the burgesses and inhabitants of Bridport had enjoyed in time past divers liberties by charters and prescription; and that the bailiffs and burgesses of the same borough had petitioned the King to make, constitute, ratify, confirm, restore or create anew the same burgesses and inhabitants of the aforesaid borough into a body corporate by the name of the Bailiffs and Burgesses of the borough of Bridport, in the county of Dorset. It then ordains that the bailiffs and burgesses thereof, whether it were before lawfully incorporated or not, shall be a body politic by the name of the bailiffs and burgesses. It settles the constitution of the borough in the following manner: two of the burgesses to be bailiffs; fifteen of the better and more honest burgesses to be capital burgesses, and to be called the common council.

The Capital Burgesses, (of whom one of the bailiffs to be one) to fill up vacancies in their own body from the better and most worthy burgesses and inhabitants:

The Bailiffs and Capital Burgesses, on Monday after Michaelmas, to elect two of the capital burgesses to be bailiffs for a year:

A Recorder, to act by himself or deputy; the bailiffs, their immediate predecessors, and the recorder, to be justices of the peace for the borough:

With power to hear and determine all felonies, &c. as county justices may do:

A Court of Record to be held before the bailiffs and recorder, or his deputy, or any two of them:

A Town Clerk and two Serjeants-at-Mace to be appointed.

The charter also establishes a prison or gaol, and grants felons' goods, deodands, &c. to be enjoyed in as ample a manner as before.

Governing Charter.

In the reign of Charles II. a charter, dated 15th August, 18 Charles II. was granted to the corporation, and is considered their Governing Charter.

Charters of James II.

Two charters were indeed subsequently granted by James II., but they are looked upon by the corporation as revoked by the King's Proclamation in 1688, and the charter of Charles II. is now the only one referred to for the government and practice of the corporation.

The first of the charters granted by James II. is dated 4 March, 1 James II. It contains a proviso, reserving power to the Crown to remove by Order in Privy Council any recorder, common clerk, bailiffs or capital burgesses. This charter was accepted by the corporation, and the corporate officers sworn under it on the 24th May in the same year.

The second is dated 15 September, 4 James II. There is a proviso reserving power to the Crown of removing, by Order in Council under the Privy Seal, bailiffs, recorder, capital burgesses, common clerk, or any other officer of the borough. It also provides that, if within twenty days after the removal of any of the bailiffs, &c. or their death, the remaining burgesses shall have been ordered by letters mandatory of the Crown under the King's seal or sign manual to elect and admit any other person or persons of the nomination of the Crown,

BRIDPORT.

then the bailiffs and burgesses (however few in number they may be) or the major part of those who, upon public notice or summons, shall then be present, are required to elect and admit the person or persons by the letters mandatory nominated or appointed.

Of this latter charter, no express mention is made in the books of the corporation, nor indeed is the original in their possession.

In the reigns of Charles the Second and James the Second, the power of the Crown was exercised from time to time in displacing officers of the corporation, especially in the reign of James the Second. An original order is preserved among the papers of the corporation, dated 7 October 1662, and made by commissioners appointed by the Crown. By that instrument they displaced Roger Hill, who was both recorder and a burgess, and who had failed to make his appearance before them to take the oaths of supremacy and allegiance, and the oath mentioned in the Act, intituled, "An Act for the well-governing and regulating of Corporations," and to subscribe the declaration mentioned in the same Act; for that reason, and for other reasons them thereunto moving, they removed him from his office of recorder and burgess, and appointed another to the place of recorder and burgess in his stead.

On the 19th February, 3 James II., one bailiff and six other free burgesses, (as they are called in the book,) together with the recorder, were dismissed by virtue of the King's mandamus, dated at Whitehall, 2d January; and another bailiff and five free burgesses were sworn.

On the 23d February, 4 Jac. II., by another mandamus of the same kind, a bailiff and three others were dismissed, and another bailiff and three free burgesses were sworn.

On the 12th March, 4 Jac. II., a town clerk was elected by virtue of the King's mandate, in the place of another who was dismissed by the same mandate.

CORPORATE BODY. Style. Constitution.

3. Under the governing charter, the corporation is entitled, "The Bailiffs and Burgesses of the Borough of Bridport." It consists, when full, of fifteen capital burgesses, two of whom are bailiffs. And this body is also directed by the governing charter to be called the Common Council of the Borough of Bridport.

Bailiffs.

The Bailiffs are chosen in the following manner:—About a week before Michaelmas, a meeting of the capital burgesses takes place, at which the persons who are to be bailiffs for the next year are put in nomination. They are selected from the capital burgesses, and it is usual to take them from that body in rotation, with this exception, that a capital burgess, who has lately come into the corporation, is always put into the office of junior bailiff. After the nomination, a summons is issued for the corporation to meet on Monday next after Michaelmas-day, for the purpose of electing the bailiffs for the ensuing year. At this meeting, which is held with open doors, and which must be composed of a majority of the existing body, the persons nominated at the former meeting are successively proposed, seconded and elected. They take the oaths of office immediately after their election, and begin their year from that day.

Capital Burgesses.

The Capital Burgesses are chosen by the same body which elects the bailiffs, the presence of one of the bailiffs being also required; they are taken from the inhabitants of the borough, or of the villages, parishes or hamlets in the county of Dorset, situated within 10 miles of the borough.

Residence.

The charter allows of there being five non-resident burgesses; but they must reside within 10 miles of the borough. If any capital burgess were to remove beyond the distance of 10 miles, the corporation would have power to remove him. The other 10 capital burgesses ought to reside within the borough, but there have been instances of their going away for a short time, and afterwards resuming their office. The present number of capital burgesses is thirteen, of whom eight reside within the borough.

Removal.

The power of removing the capital burgesses is vested in the body consisting of bailiffs and capital burgesses. In one case only, that is now remembered, has the power ever been exercised for misbehaviour. In the other instances, which are on record, it has been for non-residence.

Fees on admission.

Each capital burgess on his election pays a Fee of five guineas to the town clerk, which covers the stamp-duty of 3*l.* charged on the admission.

The following is the list of the present capital burgesses:—

John Hounsell	Surgeon (Bailiffs.)	Thomas Ewens	Merchant.
William Colfox	Merchant (Bailiffs.)	Samuel Fawcett Golding	Solicitor.
Joseph Gundry	Merchant.	W. E. Gundry	Banker.
T. C. Hounsell	Merchant.	Shering Keddle	Solicitor.
Samuel Gundry	Banker.	Joseph Hounsell	Merchant.
Alfred Nicholetts	Esquire.	Joseph Gundry, jun.	Merchant.
Joseph Ewens	Merchant.		

Freemen.

There is not at present, nor indeed does there appear to have been for many years past, any body of Freemen within the borough. There is no later entry of the admission of freemen in the record book of the corporation than one dated in the year 1718. I am indebted to the researches of the town clerk for extracts from this book, relating to the admission of freemen between the period of 1630 and 1718. Those admissions are only 11 in number. Some of the persons so admitted are described as belonging to Dorchester and other places out of the borough. Others are admitted without any addition of place, and some few as persons belonging to the borough of Bridport. From an inspection of the book I also ascertained that in one or two instances freemen were admitted "to enjoy such privileges and liberties within the borough as other the ordinary freemen have been accustomed and do enjoy." The fine paid on admission appears to have varied from one guinea to five guineas. In some

few instances it is stated to have been paid to one of the bailiffs. It is probable that the freedom was purchased for the sake of carrying on trade within the borough; a notion, which is confirmed by one of the entries, which states, that John Smith, of this borough, barber, was admitted a freeman, to use and exercise within the said borough the art and mystery of a barber. It does not appear that the capital burgesses were at any time elected from the body of freemen.

It appears from the list which has been above given of the capital burgesses that several of the members of the corporation are connected together by the tie of relationship. And they are nearly all of them, according to the admission fairly made by the town clerk, somewhat exclusively chosen in reference to religion and politics. This is one of the natural effects of the self-elective system, and one which is perhaps in general to be deprecated; though it must be confessed that in Bridport the members chosen as capital burgesses appear from their position and consideration in the borough to have been fit and proper persons to introduce into the corporation.

4. The Officers of the corporation are the following: high steward, recorder, two bailiffs, two justices, deputy recorder, town clerk, cofferer, two serjeants at mace. OFFICERS.

The office of High Steward is in this, as in other corporations, altogether an honorary one. High Steward.

The Recorder, who is usually a barrister, is elected by the major part of the bailiffs and burgesses, subject to the approval of the Crown. This approval is under the sign manual, countersigned by the Secretary of State for the Home Department. After the election is thus approved, the recorder is sworn before the bailiffs, or one of them, duly to execute his office. He is removable by the major part of the bailiffs and capital burgesses (of whom a bailiff must be one), "for evil government, misbehaviour, or other reasonable cause." He is one of the justices of the peace for the borough, and holds a session usually once a year. On this occasion the sum of twenty guineas is paid to him. Fees to the amount of 9*l.* or 10*l.* are payable at the Secretary of State's office for obtaining the King's approbation. These fees are paid by the corporation. Recorder.

The Bailiffs, the mode of electing whom has already been mentioned, are justices of the peace within the borough; they are by the charter constituted judges of the court of record, which has fallen into disuse. This court being in form opened every Monday three weeks, the bailiffs avail themselves of that opportunity to transact all magisterial business. They are also the returning officers of the borough. Bailiffs.

The following is an account of the receipts and payments by the bailiffs during the year they are in office. The balance is divided by them as a remuneration for their time and trouble in executing the office:

RECEIPTS.

	£.	s.	d.
The Tolls and Profits of the Fairs and Markets for 14 of the last 19 years, averaging about	203	10	–
Fines for Leases of Butchers Shambles which become vacant during the year; these vary—the average may be taken at 15*l.* per year	15	–	–
The Rent of Premises in Walditch, held by Mr. William Battiscombe, called Reynold's Meadow	10	19	3
The Rent of a small Meadow in Walditch, occupied by Miss Bools, called Reynold's Meadow	6	–	–
£.	235	9	3

PAYMENTS.

	£.	s.	d.	
To each of the Serjeants at Mace for collecting the Tolls and Profits of the Markets, 13*l.* per annum	26	–	–	
To one of them for placing and removing the Standings at the Fairs, per annum	1	1	–	
To each of them for collecting Tolls at the Fairs, 5*s.*	–	10	–	
To one of them, who is the Marketman, for attending to the Market and the Weights, 6*s.* per week	15	12	–	
To one of them, for cleaning the Vegetable Market, per annum	1	6	–	
The Expenses of Dinner given to the Corporation, and occasionally to other respectable Inhabitants of the Town and Neighbourhood, about	20	–	–	Sometimes more, at others less.
To the Trustees of the Market-house, per annum (1)	10	–	–	
To the Jury at the Court Leet	2	2	–	
				76 11 –
			2)	158 18 3
Moiety £.				79 9 1

Note (1). The trustees of the market-house are entitled by the Market-house Act to collect tolls at the entrances of the town on the fair days, but such tolls being considered injurious to trade are not collected, and the bailiffs, in consideration of their not being collected, pay to the trustees 10*l.* per annum out of their income.

BRIDPORT.

Justices. The bailiffs on going out of office continue to be justices of the peace within the borough for the ensuing year. By this means there are usually four resident magistrates in the borough.

Deputy Recorder. The Deputy Recorder is usually the same person who fills the office of town clerk. He is appointed by the recorder, and is removable by him. The deputy recorder is sworn into his office, and sits in the court of record in the absence of his principal. He has no salary or incidental emoluments.

Town Clerk. The Town Clerk is elected by the major part of the bailiffs and burgesses, subject to the approbation of the King, which is signified in the same manner as in the election of a recorder. After being so approved, he is sworn before the bailiffs, or one of them, duly to execute his office. He is elected for life, but is removable for evil government or misbehaviour, or any other reasonable cause by the major part of the bailiffs and burgesses, one of the bailiffs being one of the assembly. The same fees are paid for obtaining the Royal approbation of the choice made of a town clerk as in the case of a recorder. They are paid by the corporation.

The town clerk attends all meetings of the corporation. He is clerk of the peace for the borough, attends the court leet, and acts as clerk to the magistrates.

As town clerk he has a salary of 63*l.* a year, and receives also the fee which has been before mentioned as payable on the admission of each capital burgess. His fees at the sessions are similar to those taken by the clerk of the peace for the county of Dorset. He has certain small fees at the court leet, and also fees as clerk of the magistrates, nearly similar to those taken by the clerks to the county magistrates. The town clerk, in addition to his salary and these incidental emoluments, is paid for business done as solicitor to the corporation, for correspondence with the Secretary of State and other public officers, and for making returns in compliance with resolutions of the House of Commons, or with requisitions from the Government offices. He prepares the corporation leases, and is paid for them by the lessees. He usually receives also, at elections for Members of Parliament, a gratuity of 20 or 30 guineas from each of the members for his trouble and attention on the occasion.

Cofferer. The office of Cofferer, who is the treasurer and accountant of the corporation, is usually filled by the senior justice, that is, by the person who was senior bailiff in the preceding year. The office is however sometimes held by the same person for several successive years. No salary or emolument is attached to it.

Serjeants at Mace. The Serjeants at Mace are appointed by the major part of the bailiffs and burgesses, and they are removable by the same body for misbehaviour or any other reasonable cause. There is no formal annual election; but when the same persons are to be continued in office, their maces are every year, at the election of bailiffs, given up to the old bailiffs, and restored to them again by the newly-elected bailiffs.

Their functions are to serve summonses for corporate meetings, to publish cries throughout the borough, to attend the bailiffs or returning officers at elections, to arrange the stalls and standings at fairs and markets, to collect the tolls and profits there, and to account for them to the bailiffs. They act as criers at the sessions and court leet. They also attend the court of record, and it would be their duty to execute the process of that court.

Their salaries and incidental emoluments are as follows:—

Paid out of the General Fund:—

	£.	s.	d.	£.	s.	d.
To each, per annum, called Cloak Money - -	2	10	–	5	–	–
To each, at the Sessions - - - - - -	–	5	–	–	10	–
To each, at the Court Leet - - - - -	–	5	–	–	10	–
To one of the Serjeants at Mace for cleaning the Market - - - - - - - - -	–	10	–	–	10	–
To one of the Serjeants at Mace for cleaning the Town Hall and the Rooms - - - - -	–	14	–	–	14	–
			£.	7	4	–

Paid by the Bailiffs:—

	£.	s.	d.	£.	s.	d.
To each of the Serjeants at Mace for collecting the Tolls and Profits of the Markets, per annum	13	–	–	26	–	–
To one of them for placing and removing Standings at the Fairs - - - - - - - -	1	1	–	1	1	–
To each for collecting Tolls at the Fairs - -	–	5	–	–	10	–
To one of them for cleaning the Vegetable Market, per annum - - - - - -	1	6	–	1	6	–
			£.	28	17	–

Courts. 5. The Courts held within the borough are, the Court of Sessions, the Court of Record, and the Court Leet.

The

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The Court of Sessions may be held quarterly, but in consequence of the little business to be transacted, is usually held but once in the year, in the spring or autumn, as may suit the convenience of the recorder. The court is held before any three of the justices of the borough, of whom the recorder must be one. Its jurisdiction extends to the same cases as that of the quarter sessions for the county. Cases of felony are, however, seldom tried in this court, the borough not being provided with a sufficient gaol. One case only of felony was tried at the last sessions. The prisoner was convicted and sent for hard labour to the county gaol or house of correction. It seems that by the borough contributing to the county rate they are able to dispose of their criminals in this way. Sessions.

The Court of Record is directed by the governing charter to be held on Monday from three weeks to three weeks before the bailiffs and recorder or his deputy, or any two of them, for hearing and determining by plaint in the said court to be levied all and all manner of pleas, debts, contracts, covenants, accounts, detinues, deceits, trespasses by force and arms, actions upon the case, and all other actions, pleas and demands personal whatsoever arising within the borough, &c. and not exceeding the sum of 20*l.* in the whole. This court is generally held once in every three weeks before the deputy recorder and bailiffs, or two of them, but proceedings in it have fallen into disuse, no process having issued since the year 1787; for which reason the nature of its processes, and all particulars relating to the conduct of causes in it, are very little known. No regular record of its proceedings has been preserved. A few loose papers, consisting of writs, returns, affidavits of debt, declarations and pleas, have been found upon a file, but no table of fees or bills of costs. From these papers it may be collected that the process was in the form of a *capias* directed to the serjeants at mace, tested by one of the bailiffs and signed by the town clerk; and that it was serviceable or bailable according to the amount sought to be recovered. The declaration and other pleadings are in form the same as those of the superior courts, and all declarations and pleas which are extant appear to have been made by an attorney. Of the date of the 2 Geo. III. there is a plea of non-assumpsit with notice of set-off. The jury process of *venire facias* was directed, as well as other process, to the serjeants at mace. These officers performed one function in the court which appears to be a singular one; writs of inquiry were directed to them, and were executed before them. The inquisition, when executed, was returned to the bailiffs at the next court, under the hands and seals of the serjeants at mace and the jurors. Court of Record.

A Court Leet is held once in every year, in the month of October, before the bailiffs, the town clerk acting as steward or clerk of the court. The usual business of court leets is transacted at this court, and among other appointments, that of constables for the borough is then made, the bailiffs generally selecting them from the list presented by the jury. Court Leet.

There is an ancient practice at this court for the town clerk to call over what is called the "Resiant Roll," which it is understood ought to contain the name of every male inhabitant of the borough from the age of 16 to 60. Some of those who do not answer to their names send a penny by the hand of a neighbour to be paid to the steward or clerk. Those who neither answer nor send a penny are presented by the jury, and are by the court ordered to be amerced three-pence each. These fines are not exacted, but the absentees when called upon by the serjeants at mace usually send their penny each to the steward.

The Grand and Petty Juries for the sessions, and the jury for the court leet, are each selected by the bailiffs for the time being, who refer to the lists of the two or three former years and to their knowledge of the inhabitants recently come into the borough. The grand jury is selected from the respectable tradesmen and other inhabitants of the borough. About 18 persons are summoned to serve upon it. The petty jury consists of minor tradesmen, 14 of whom are summoned for the purpose of acting in this capacity. The Leet Jury appears to be selected from the same class of persons as serve on the grand jury at the sessions. Juries.

6. There is no Gaol in the borough, but merely two lock-up rooms for the safe custody of accused persons until they are finally committed to the county gaol or discharged. Gaol.

7. There are no other Peace Officers in the town besides the two Constables appointed at the court leet, and a Watchman, who is appointed by the inhabitants in vestry assembled, and paid out of the parochial funds. Police. Watching.

The Lighting of the town, though it has only been effected within a very few years, is carried on under an old Act of Parliament passed in the year 1785. It is entitled, "An Act for taking down the Market-house in the Borough of Bridport, in the County of Dorset, and rebuilding the same, together with a Session or Court-house, in a more convenient situation; for removing the Shambles or Butcher-row; for better paving, cleansing, lighting and watching the said Borough, &c. &c." The members of the corporation are *ex officio* trustees for the execution of this Act, provided they are qualified in the manner prescribed by it; that is to say, if the individual has a real estate of 30*l.* a year, or is heir apparent to a person having a real estate of 60*l.* a year, or has a personal estate of 800*l.* The Act authorizes the levying a rate, not exceeding in any one year 6*d.* in the pound, on the owners, tenants or occupiers of all houses and buildings within the borough. The rate has been levied of late years to the full amount. The town is now lighted by a Gas Company. No Paving is done under the Act, nor are any watchmen appointed. The pitching or foot pavement is kept in repair by the occupiers of the houses before which it is situated, and they are presented at the court leet if it is out of repair. The two main streets of the borough are within a turnpike trust, and are repaired as parts of the turnpike road. Lighting. Paving.

BRIDPORT. REVENUE.

8. The Corporate Revenue arises from houses and other premises within the borough and the adjoining parishes; from the profits of markets and fairs; and from money in the funds; and it may be classed under the following heads:—

Rents.
Fines on Renewals.
Profits of Markets and Fairs.
Interest of Money.

Rents.

The property, which is let at Rack Rent, consists principally of meadows and other closes of land, and produces, exclusive of the rents taken by the bailiffs, about 104*l.* 12*s.* a year.

The lord's rents reserved on leases for lives, together with the land-tax, which having been redeemed by the corporation is now received by them from the lessees, amount to about 57*l.* a year.

There are 58 distinct properties under lease, of which number six are held by members of the corporation, but one of these has been held for many years by a party who was elected into the corporation only in April last. It is the practice, when leases are sealed, for all the members of the corporation who are present to attach their names to the instrument; and the same practice prevails whether the lease be to a stranger or to a member of the corporation. In the latter case therefore the name of the lessee frequently appears among those of the burgesses who grant the lease.

Leases for long terms.

The greater part of the houses of the corporation are let for terms of 99 years determinable on lives. The following Leases are for long terms of years absolute.

Several messuages or dwelling-houses and land called *Downe's-street*, held for a term of 99 years, which commenced on the 23d July 1792. Lord's rent of the several houses 3*l.* 4*s.* 8*d.* Land-tax redeemed by the corporation 3*l.* 0*s.* 6*d.*

A dwelling-house and garden held for a term of 99 years, which commenced on the 12th May 1748. Lord's rent 13*s.* 4*d.* Land-tax, redeemed by the corporation, 4*s.* 6*d.*

A piece of land, 86 feet in length and 102 feet in breadth, with the building thereon, held for a term of 500 years, of which a few years only have expired. Lord's rent 6*d.*

A meadow, containing 3 A. 1 R. 20 P. held for a term of 99 years, which commenced 21st September 1830. Yearly rent 12*l.* 12*s.*

Renewals.

The present practice of the corporation, in the renewal of their leases, is to appoint two or three of the members to inspect the premises, and to report the annual value at a subsequent meeting of the corporate body; and persons having property of their own in the town have been usually appointed to perform this duty. Their report being made, the value of the proposed new lives is calculated by reference to Inwood's tables.

The average amount of fines on renewals for 33 years past has been 74*l.* 10*s.* 4*d.* This period has been taken because it is likely to afford a just criterion for estimating the probable future amount of fines. If a longer period had been taken it would have included fines arising from property which does not now belong to the corporation. The property here alluded to was sold in the year 1800 for the redemption of the land-tax.

Sale of Reversions in Fee.

The land-tax, for which these premises were sold, was charged upon the messuages and lands of the corporation in Bridport, Walditch and Symondsbury, and amounted to 33*l.* 16*s.* 10*d.* The reversionary interests in nine distinct properties were then sold to the lessees, who held them. Five of these lessees were members of the corporation, and another has since been elected into it. The value of the Reversions was estimated by two persons not belonging to the corporation, and the town clerk has also made a calculation of their value, by taking first the value of the fee simple in possession, then the value of the existing interest as nearly as it can be found from Inwood's tables, and deducting the latter from the former. The result of this investigation, and of other inquiries on the subject, satisfies me that a fair and full value was then given for the reversions in fee; but it seems to me that the fines previously taken upon some of the subsisting interests were disproportionately small, as will appear from the following example:—

A messuage and premises in South-street were, in the year 1800, in lease to Mr. Samuel Gundry, a member of the corporation, and there were then three lives in being, one of 34 years of age, one of seven, another of nine. The interest of the lessee is calculated at that time to have been worth 360*l.*, and the fee simple, 22 years purchase at 20*l.* a year, to have been 440*l.* The first of these lives, aged about 18, was put in on the 4th June 1785, when a lease was granted for one life in reversion of two, fine 20*l.*, rent reserved 8*s.* On the 28th March 1796 a further lease was granted for one life after two, rent reserved 8*s.* The life put in was aged about three years, and the same fine of 20*l.* was paid. On the 28th June 1799 another similar lease was made, at the same reserved rent, and the same fine; the life added was aged about eight years.

Gift of Reversion in Fee.

In addition to the property which was sold for the redemption of the land-tax, the corporation have also conveyed away the Reversion in Fee of some premises in Allington. This reversionary interest they granted in 1824 for the use of the new church in Allington, towards the building of which they also subscribed 50*l.*

Fairs and Markets.

The tolls and profits of the Fairs and Markets are stated above (page 1141) to produce, upon an average, 203*l.* 10*s.* a year. They are received by the bailiffs for the time being, who, after paying such outgoings as are mentioned in the same part of this Report, retain the surplus of this and of their other receipts to their own use.

The

BRIDPORT.

The present market-house was built under the Act of 1785, which has already been mentioned. With regard to the butchers' shambles some question has arisen as to the right of the corporation to let them, and to take the fines and rents accruing from them, and is still at issue between the corporation and those trustees of the market who are not members of the corporate body. All these profits continue to be taken by the corporation or their chief officers.

Market-house Act.

The present trustees for executing the Market-house Act are sixteen in number, eight being members of the corporation, and the remaining eight strangers to it. The average annual income derived under the Market-house Act, from the rate of 6 *d.* in the pound on houses and buildings within the borough, from the payments made under the Act by the butchers for their stalls, from the Sunday tolls also authorized by the Act, and the payment of 10 *l.* made by the bailiffs, is about 225 *l.* Out of this sum are paid the interest of 1,129 *l.* 3 *s.* 10 ¾ *d.* (the remainder of a debt incurred in building the market-house), about 80 *l.* for lighting the town, salaries and allowances 43 *l.* 13 *s.*

Money in the Funds.

The corporation, besides their real property, possess 595 *l.* 4 *s.* 9 *d.* Three per cent. Consols, the annual interest of which amounts to 17 *l.* 17 *s.* a year.

Expenditure.

The income arising from these various sources, so far as it is not appropriated to the use of the bailiffs, is applied in the payment of rates and taxes, all of which are paid out of the corporate fund, and no part of them by the bailiffs; of the fee farm rents to the grantees of the Crown; of repairs or other works; of salaries and allowances; of entertainments; of subscriptions and other small disbursements.

No money appears to have been ever expended on elections out of the corporate funds. The expense of an election petition in 1820, in which the rights of the corporation were deeply involved, was defrayed by subscription.

The cost of entertainments given by the corporation has averaged for 30 years past less than 23 *l.* a year.

Receipts and Disbursements.

The following is an account of the income of the corporation, which is applicable to the above general purposes, and of the application of it, for four years past. Subjoined to which account is an estimate of the probable future income of the corporation from whatever source arising.

Year ending October 14, 1830:

Receipts:	£.	s.	d.
Balance of former Account	101	9	3 2
Rents and arrears of Rents	135		
Fines on Renewals	600	–	–
Sundries	–	5	4
£.	837	–	9

Expenditure:	£.	s.	d.
Rates, Taxes, and some other Payments which do not clearly appear	53	18	9
Fee-farm Rents	25	12	–
Entertainments	42	15	7
Repairs	8	15	4
Salaries and Allowances; viz.			
Recorder £. 21 – –			
Town Clerks' Salary 63 – –			
Ditto Bill 13 5 7			
Serjeants-at-Mace 8 – 1½			
	105	5	8½
Sundries	1	7	–
Balance in hand	599	6	4½
£.	837	–	9

Year ending October 27, 1831:

Receipts:	£.	s.	d.
Balance of former Account	599	6	4½
Rents and arrears of Rents	217	7	2
Fines on Renewals	73	–	–
Dividends on Consols	17	17	–
Sundries	3	9	–
£.	910	19	6½

Expenditure:	£.	s.	d.
Rates and Taxes	50	4	–
Fee-farm Rents	33	18	4
Entertainments	22	18	–
Repairs	15	5	4
Salaries and Allowances; viz.			
Town Clerk's Salary £. 63 – –			
Ditto Bill 8 12 11			
Serjeants-at-Mace 7 9 10			
	79	2	9
Subscriptions and Sundries	6	19	1½
To £. 595. 4. 9. Three per cent. Consols	502	13	4
Balance in hand	199	18	8
£.	910	9	6½

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Two Years ending October 28, 1833:

Receipts:	£.	s.	d.	Expenditure:	£.	s.	d.
Balance of former Account	199	18	8	Rates and Taxes	97	16	–
Rents and arrears of Rents	340	12	2	Fee-farm Rents	68	1	6
Fines on Renewals	100	–	–	Entertainments	58	14	6
Dividends on Consols	35	14	–	Repairs	19	19	–
Sundries	11	–		Salaries and Allowances; viz.			
				Recorder £. 21 – –			
				Town Clerk's Salary 63 – –			
				Ditto – Bill 58 4 9			
				Serjeants-at-Mace 15 12 3	157	17	–
				Extraordinaries; viz.			
				Expense of re-building a House burned down	75	5	–
				Sundries	13	9	10
				Balance in hand	185	13	–
	£. 676	15	10		£. 676	15	10

Probable future Income.

Future Income.

General Income:

	£.	s.	d.	£.	s.	d.
Rack-rents	104	12	–			
Lord's Rents	57	–	–			
Average of Fines on Renewals	74	–	–			
Interest of Consols	17	17	–			
				253	9	–

Income of Bailiffs:

Average Profits of Markets, &c.	203	10	–			
Ditto – Fines on Leases of Shambles	15	–	–			
Rents	16	19	3			
				235	9	3
Total Corporate Income				£. 488	18	3

Audit of Accounts

The Cofferer's Accounts are usually examined and checked annually at a meeting of the corporation, when his account book, with any balance that he may hold, are both handed over to his successor.

State of the Town.

9. The prosperity of the Town of Bridport is materially influenced by that of the port or harbour connected with it.

Bridport Harbour.

In the 8 Geo. I. (1722) an Act passed "For restoring and rebuilding the Haven and Piers of Bridport, in the County of Dorset, and for making a Sluice there;" which Act appointed the bailiffs and burgesses and their successors trustees for carrying the Act into execution. This Act was not carried into effect until 1742. The following are the receipts on account of harbour dues for different years from the time when the Act was put into operation:

For the year ending,	£.	s.	d.		£.	s.	d.
October 1745	18	1	11	October 1795	321	18	1
— 1755	59	3	4	— 1805	466	11	–
— 1765	113	1	9	— 1815	688	18	8½
— 1775	239	16	–	— 1822	735	6	3½
— 1785	234	6	1½				

In the year 1822, a new Act of Parliament was obtained for the improvement of the harbour. It is entitled, "An Act for the improvement, more effectual security and maintenance of the Harbour of Bridport, in the County of Dorset." Besides the bailiffs and burgesses, many individuals were also made commissioners for the execution of the Act, and it was provided that no person should be capable of acting as a commissioner unless he had a real estate of 100 *l.* a year, or was heir apparent of a person who had such estate of 200 *l.* a year, or was possessed of personal estate alone or of real and personal estate together to the amount of 6,000 *l.*

This Act fixed a maximum of tonnage dues on vessels frequenting the harbour, and of dues to be received on exports and imports. It also authorized the commissioners to raise money upon the credit of the rates or duties granted by the Act. A sum of 17,800 *l.* was borrowed, and together with the surplus duties applied to the improvement of the harbour. Of this debt 500 *l.* have been recently paid off.

Since

BRIDPORT. Harbour Dues.

Since the passing of this Act the progressive increase of the harbour dues has been as follows:

For the year ending,	£.	s.	d.		£.	s.	d.
December 1824 - -	1,582	–	–	December 1829 - -	1,789	–	–
— 1825 - -	1,639	–	–	— 1830 - -	1,713	–	–
— 1826 - -	1,585	–	–	— 1831 - -	1,766	–	–
— 1827 - -	1,467	–	–	— 1832 - -	1,935	–	–
— 1828 - -	1,602	–	–				

Harbour Accounts.

The Harbour Accounts are made up to some day in the early part of October in every year, and are examined by the county justices at the October quarter sessions.

The following is a summary of the receipts and expenditure for the last three years:

Year ending 5th October 1831:

Receipts:	£.	s.	d.	Expenditure:	£.	s.	d.
Balance of former Account -	292	12	10	Interest - - - - -	890	–	–
				Expenses - - - -	424	9	6
Harbour Dues, &c. - - -	1,843	6	7½	Balance in hand - - -	821	9	11½
£.	2,135	19	5½	£.	2,135	19	5½

Year ending 16th October 1832:

Receipts:	£.	s.	d.	Expenditure:	£.	s.	d.
Balance of former Account -	821	9	11½	Interest - - - - -	874	8	5
				Expenses - - - -	1,084	9	8½
Harbour Dues, Rents, &c. -	1,977	16	2½	Balance in hand - - -	840	8	–½
£.	2,799	6	2	£.	2,799	6	2

Year ending 12th October 1833:

Receipts:	£.	s.	d.	Expenditure:	£.	s.	d.
Balance of former Account -	840	8	–½	Interest - - - - -	897	18	10
				Principal paid off - - -	500	–	–
Harbour Dues, Rents, &c. -	2,277	10	11	Expenses - - - -	1,279	12	5
				Balance in hand - - -	440	7	8½
£.	3,117	18	11½	£.	3,117	18	11½

Trade.

In the year 1832, the privilege of bonding and warehousing goods was extended to the harbour of Bridport, and the customs' establishment was made independent of that of Lyme. The following returns show the amount of customs received in the harbour of Bridport since the separation of the two ports to 14th November 1833:

Bridport:—General Abstract of Duties received at this Port.

YEAR.	Imports.			Warehoused Goods.			Exports.			Monies not Duties.			Sugar.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
From 5 April 1832 to 5 January 1833	528	2	7	3,138	9	11	5	–	2	1	10	–	—			3,673	2	8
From 5 Jan. 1833 to 14 Nov. 1833	584	–	5	4,519	8	10	11	5	3	12	2	2	97	19	5	5,224	16	1

The exports consist principally of the manufactures of the town and neighbourhood, such as sail cloth, nets, twines, lines, and butter and cheese; the imports of hemp, flax, and deals from the Baltic, wines, spirits, tallow, timber, groceries of all sorts, skins, coals, culm, and slates.

The importation of coals and culm in the years ending September 1824, 1827, 1830, and 1833, from the month of October preceding, was as follows:

1824.		1827.		1830.		1833.	
COALS.	CULM.	COALS.	CULM.	COALS.	CULM.	COALS.	CULM.
Chaldrons.	Chaldrons.	Chaldrons.	Chaldrons.	Chaldrons.	Chaldrons.	Chaldrons.	Chaldrons.
6,990	1,604	5,563	1,422	5,939	1,596	8,741	2,381

BRIDPORT.

The following return of the ships and tonnage is added in order to show the state of trade in the harbour of Bridport:

Port of Bridport:—AN ACCOUNT of the NUMBER and TONNAGE of VESSELS ENTERED INWARDS and CLEARED OUTWARDS at this Port from 5th April 1832 to 5th January 1833, and from 5th January 1833 to 20th December 1833, distinguishing Foreigners from Coasters.

YEAR.	Number of Foreign Trading Vessels.				Number of Coasting Trading Vessels.			
	INWARDS.		OUTWARDS.		INWARDS.		OUTWARDS.	
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.
From 5 April 1832 to 5 Jan. 1833	35	2,693	7	209	249	15,434	106	4,414
From 5 Jan. 1833 to 20 Dec. 1833	27	2,404	15	452	233	21,722	114	6,575
TOTAL -	62	5,097	22	661	482	37,156	220	10,989

Manufactures.

In the town of Bridport two branches of Manufactures have been carried on for many years, and afford employment to many hundreds of the labouring class in the town and neighbourhood.

The first is that of twine, lines, and fishing nets. These have always been regarded as the staple productions of the town. No great increase has taken place in this branch of manufactures, nor perhaps is much improvement to be anticipated. It may however be considered as still in a thriving state.

The second branch consists in the manufactures of sail canvas and shoe thread; it is an extensive one, and is not only in a flourishing condition at the present time, but is likely to acquire increased vigour and stability from the improvements which will probably be introduced in it by the application of the power of steam.

Magistracy.

The jurisdiction of the borough Magistrates is confined within very narrow limits, and some inconvenience arises from its being so circumscribed. It would be perhaps desirable to extend the power of the borough justices beyond the limits of the town, but it would be difficult to adjust the bounds of such extended jurisdiction. The Parliamentary borough would not form a convenient district for this purpose, the portion of it, which is without the old borough, being composed of parts of several parishes.

Population.

The Population of the borough or parish of Bridport has considerably increased since the beginning of the present century, as appears from the following statement of the numbers taken in each census:

	1801.	1811.	1821.	1831.
Bridport - - -	3,117	3,567	3,742	4,242

The population of the new borough cannot be ascertained with any precision, as the added district consists of parts of several parishes. It cannot be estimated at above 6,000 in all; that is to say,—

Bridport - - - - - - - - - - -	4,242
Allington, part of - - - - - - - - - -	1,220
Walditch, part of - - - - - - - - - -	30
Parts of Bradpole, Symonsbury, Bothenhampton, and Burton Bradstock; and general Increase since 1831 - - -	508
	6,000

Edwd J. Gambier.

The following Papers and Documents accompany this Report:

Statistical Information.
Return of Electors on the Register.
Copy Charter, 13th May, 2 Richard the Second.
Copy Charter, 7th November, 1 Elizabeth.
Copy Charter, 15th August, 18 Charles the Second.
Market-house Act.
Harbour Act.
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REPORT

ON

THE CITY AND COUNTY OF BRISTOL.

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CITY AND COUNTY OF BRISTOL.

LIMITS: Old Borough.

1. THE Old Borough of Bristol in the time of King John was entirely situated in Gloucestershire, and was bounded on the south by the old bed of the river Avon.

Incorporation of Redcliff, &c. County of Bristol.

In the reign of Henry 3, the parishes of St. Thomas, Redcliff, and Temple, on the Somersetshire side of the river, were incorporated with it; and in the 47th year of Edward 3, Bristol was separated from the counties of Gloucester and Somerset, and was made a separate county, by the name of the County of Bristol; its limits were in the same year certified into the Court of Chancery under a Royal Commission, and confirmed by charter under the Great Seal, with the assent of Parliament.

Addition of the Castle Precinct.

In the reign of Charles 1, the Castle Precinct, which had been excepted out of the old perambulation, was made part of the county of Bristol; other slight additions have been made by 16 Geo. 3, c. 33; 44 Geo. 3, c. 47, and 1 Will. 4, c. 4, which will be presently noticed.

City of Bristol.

Bristol was made a city by Henry 8, and now comprises the entire Parishes of

Parishes.

All Saints.	St. Leonard.	St. Peter.
St. Augustine.	St. Maryport.	St. Stephen.
Christ Church.	St. Mary, Redcliff.	Temple.
St. Ewen	St. Michael.	St. Thomas.
St. John.	St. Nicholas.	St. Werbergh.

besides the extra-parochial Castle Precinct, and parts of the parishes of St. James, St. Paul, St. Philip and Jacob, Clifton and Bedminster.

Water Boundary.

The county of Bristol now includes also the course of the river Avon, from Hannam Mills, about four miles above Bristol, to its mouth, and takes in so much of the Bristol Channel as is included within a line skirting the Somersetshire coast, as far westward as the How Rocks, just below Clevedon, 12 miles from Bristol; thence in a straight line to the islands called the Steep Holmes and Flat Holmes, more than 20 miles below the mouth of the Avon; thence in a straight line nearly up the mid channel to an island called the Denny, nearly opposite the Avon; and thence to Avon road, on the north side of that river. A perambulation of the county by land and by water is made every seven years, and no doubt exists as to the Boundary, which is still known in many places by the same names by which it was described in the time of Edward 3.

Wards of the City.

The City is divided into 12 Wards for municipal purposes.

In the time of Edward 1, there were only five wards; Trinity, St. Mary in the borough, All Saints, St. Ewen and Redcliff. The charter of Henry 7 created a court of five aldermen, besides the recorder. It is probable therefore that the number of wards at that time remained unaltered. A new division into eleven wards took place in Elizabeth's reign, when the number of aldermen was increased to eleven, besides the recorder, so that each alderman, except the recorder, had a ward. The Castle Precinct, which is now the twelfth ward, did not then form part of the city. It was made a ward by 7 & 8 Will. 3, c. 32. The twelve modern wards are,

Trinity,	St. Mary, Redcliff,	St. Nicholas,
St. Mary-le-Port,	Castle Precinct,	St. Stephen,
All Saints,	St. Michael,	St. Thomas,
St. Ewen,	St. James,	Temple.

The four first and the Castle Precinct are in the heart of the city. St. Michael is a very extensive ward on the west side of the city, including Brandon Hill and St. Michael's Hill, adjacent to Clifton. St. James's Ward is still larger and very populous; it takes in all the eastern part of the city. St. Nicholas and St. Stephen are situated in what used to be called the Marsh, between the old Avon and the Frome. St. Thomas and Temple are on the Somersetshire side of the Avon, and probably formed a part formerly of Redcliff ward. The wards are very unequal in size and population; the old wards, with the exception of Redcliff, being very small, while St. Michael's and St. James's are disproportionately large.

Addition by 16 Geo. 3, c. 33.

The Act 16 Geo. 3, c. 33, was passed to enable the Merchant Venturers of Bristol to enlarge their floating dock, and to make a new quay in the parish of Clifton, and by it a slip of land occupied by and adjacent to their works, in the parish of Clifton, between Rownham Ferry and the road leading from Bristol to the Hot Wells, was taken from the county of Gloucester, and made part of the county of Bristol; with this exception, that it is not thereby to be exempted from any rate levied in the parish of Clifton, or to become chargeable to any rate within the city and county of Bristol. The freeholders were to retain their rights of voting for the county members, coroners and other officers of Gloucestershire. The Gloucestershire coroner, for whose election the freeholders of this part of Clifton are thus

thus still entitled to vote, is nevertheless by this same Act deprived of authority to hold an inquest there.

Addition by 43 Geo. 3, c. 140.

In 1803, an Act was obtained (43 Geo. 3, c. 140,) for making a floating harbour at Bristol. This was done by locking up the rivers Frome and Avon (which meet in the centre of the city) by gates placed a little above Rownham Ferry, and by cutting a new course for the Avon from near the point where it enters Bristol to join the old bed of the river again below the lock. Previously to the passing of this Act, the water boundary of the county of Bristol did not extend beyond Tower Harratz, which is a point in the river close to the town; it was by this Act extended four miles up the stream to Hannam Mills. Also all such parts of the lands between the old and new course of the Avon as were in Somersetshire or Gloucestershire, and all the canals, towing paths, wharfs and other works, and the ground for five yards in breadth on each side of the towing-paths and canal, and river Avon from Bristol Bridge to King-road at the mouth of the Avon, and the road from Bristol to Rownham Ferry were made part of the city and county of Bristol, with the same restrictions as to votes and taxes that had been observed in 16 Geo. 3, c. 33. This last addition is chiefly in the parish of Bedminster.

The parts of Clifton and Bedminster that are now included in the city and county of Bristol are not considered as forming part of any ward.

Addition by 1 W. 4, c. 4.

The last addition that has been made is under 1 Will. 4, c. 4, by which the corporation of the poor were empowered to purchase an hospital for the reception of pauper lunatics; and the Act provides, that the site so purchased shall, whilst employed for that purpose, become part of the city and county of Bristol, with the same reservation as to votes and taxes.

Addition by the Reform Act.

The Reform Act has added to the city for the purpose of Parliamentary representation the out parishes of St. James, St. Paul, St. Philip and Jacob, the whole of the parish of Clifton, and parts of the parishes of Westbury and Bedminster.

History.

2. The principal charters of Bristol are collected in a volume, published by the late Dr. Seyer in 1812, to which we were referred by the town-clerk. These appear to have been copied and arranged from a charter of general confirmation in the 16th year of Charles 2. The originals of many of these charters are not now in the possession of the corporation. We have added to this report a list as complete as we are able to make it, distinguishing those which are published in Seyer's book, those which are in the possession of the corporation, and those of which they possess certified copies from the records in the Tower of London.

Charters of Hen. 2.

The earliest charter for which any authority can be stated is by Henry 2, about the year 1164. It is merely a grant to the burgesses of Bristol of freedom from toll, passage and custom, for them and their goods throughout England, Normandy and Wales.

The next in the collection is a very remarkable one, being a grant in 1172–3 by Henry 2, of the city of Dublin to his men of Bristol, to dwell in, with all the liberties and free customs which the men of Bristol have at Bristol. It was apparently granted to a colony which about that time was removed from Bristol to Dublin.

Charter of John.

About 1188, John Earl of Morton, (afterwards King John) who then held the town, confirmed to his burgesses of Bristol all their liberties and free customs. This appears to be the charter which is frequently referred to in contemporaneous grants by John to Lancaster, and other towns, as containing the liberties of Bristol. The most important provisions of it, with respect to those that were subsequently granted, are, that no burgess shall be impleaded out of the town except in pleas of foreign tenures; that they be quit of all toll, lastage, pontage and all other customs throughout the land; that pleas be held in Bristol, according to the custom of the town, of debts contracted and mortgages made there; that strangers should be debarred from trading in the town; that the burgesses should have their free guilds, and hold all their tenures within the walls in free burgage or landgable service, (that is, on payment of ground rent,) and should have all the lands and vacant places within their boundaries to build on at their pleasure.

Charters of Hen. 3.

Henry 3 granted to the burgesses of Bristol to choose a mayor and two provosts, instead of the provost by whom the town had been formerly governed. There is no charter extant containing this grant, but an old document, called the mayor's calendar, which was begun in the reign of Edward 4, places it in the year 1217. Passing by the various grants of the profits of the town, (which will be noticed separately,) the next municipal charter of importance is that granted in 1247, by Henry 3, to his burgesses of Redclive, in the suburbs of Bristol, that they should answer before the King's justices with the men of Bristol, and not elsewhere. This was the first step towards incorporating Redcliff with Bristol.

In 1256, the same King granted to the burgesses of Bristol that they should choose a coroner, one of themselves; and that they should answer before the justices in Eyre of the attachments of pleas of the Crown to be made by such coroner. This charter also contains a grant of the goods of intestate burgesses to their heirs, and that all their liberties should be held as quietly and fully as the citizens of London or others held theirs, according to the most favourable construction of them.

In 1267, instead of the two provosts, who had been continually chosen with the mayor since 1217, two stewards were elected; they continued until 1310, when they were replaced by two bailiffs.

Seizure of the Charters by Edward 1.

In the Memoirs of Bristol, written by Dr. Seyer, it is stated, on the authority of one of the old city calendars, that Edward 1 seized the liberties of Bristol on occasion of some dis-

pute between the townspeople and the constable of the castle, and that he restored them again in the 13th year of his reign.

In the great Red Book in the council house at Bristol, (fo. 3,) is the copy of a return to an inquisition of the liberties of Bristol, made in that year, which was probably taken on occasion of this restoration.

It appears from these that the town was then divided into five wards, called respectively the Quarter of the Holy Trinity, the Quarter of the Blessed Mary in the borough, All Saints, St. Ewen's and Redclive.

Charter of Edward 1.

This restoration of liberties was followed, in 1300, by a charter, exempting the burgesses of Bristol from murage, stallage and pavage throughout the kingdom, and granting that the mayor should be admitted to his office (except in times of war) by the constable of the castle of Bristol, instead of being admitted at the Exchequer, as he used to be.

Insurrection, Temp. Edward 2.

The reign of Edward the 2d is memorable in Bristol on account of a great riot and insurrection during more than two years. It appears to have commenced in a dispute concerning the customs paid in the port and market, and upon certain privileges which fourteen of the principal inhabitants (de majoribus) claimed as their prerogative, but which was resisted by the commonalty, who asserted an equality of privileges among all. Seyer, who has copied into his work the documents from which this account is taken, refers to these disturbances as the earliest evidence of a privileged body among the townspeople; on which account it is mentioned here in detail.

The dispute became so violent, that the fourteen privileged persons were compelled to leave Bristol. In consequence of these proceedings, the King appointed the constable of the castle custos of the town, to receive and manage the revenues, and to supersede the ordinary jurisdiction of the mayor.

The King's order of submission to the constable's authority was disregarded; in the first instance, under the pretext that the writ was directed to the mayor, bailiffs and goodmen of the town of Bristol, and not to the mayor, bailiffs and commonalty, and when this was amended in other writs to the same purport (one of which is still among the records of the corporation) it met with as little attention. Upon this the King sent a mandate to the sheriff of Gloucestershire, acquainting him that he had seized the liberties of Bristol, and directing him to deprive the mayor and bailiffs of the return of writs touching their town, which privilege it hence appears they at that time enjoyed, though the earlier charters make no mention of it. Meanwhile the justices of oyer and terminer came to Bristol, and proceeded to inquire into the matters connected with the beginning of the disputes.

It then appeared (and as the chronicler asserts, by the contrivance of the fourteen) that some were put on the inquisition or jury who were not burgesses. Upon this the leaders of the popular party, finding the decision likely to go against them, left the hall, protesting against the proceedings, and soon excited a tumult. About twenty persons were killed, and the judges got out of the town with difficulty. For this riot eight of the townspeople were indicted at Gloucester and outlawed for non-appearance. Having fortified themselves in the town, they held it during two years against the forces which Edward sent to reduce it, and were still in this state of successful resistance when they were again summoned to send "six of the more discreet men of the town, other than those who were outlawed by certain proceedings in the King's court," to appear before the King in council at Westminster, with full powers to act on behalf of their fellow-townsmen. This order they did not think proper to disobey, and the six attornies appeared and pleaded to an information exhibited there against the commonalty on behalf of the Crown, charging them with the foregoing transactions, and also that they did continue to elect a mayor and bailiff in defiance of the royal authority. They were thereon found guilty of the rebellion, and most of the other matters charged in the information, and were sentenced to pay a fine to the King.

The Earl of Pembroke was sent down to Bristol to induce the people to submit to the sentence, which they refused, declaring, that they had done nothing but defend themselves against those who wished to deprive them of their rights. Upon this occasion the town was again invested, and was soon brought to surrender.

The 14 appear to have been reinstated. William Randolph, the chief of them, was chosen mayor the following year, and, with his friends, soon afterwards procured a general pardon from the King, on payment of a fine of 4,000 marks, and of all the arrears of the custom called "coket," which had been uncollected during the rebellion.

Charter of 15 Edward 2.

A general charter of confirmation of privileges was granted by Edward 2d, about five years after the termination of this disturbance.

Charter of Edward 3.

Edward the 3d granted several charters to the town of Bristol. The first of these, in 1330, is a mere charter of confirmation of previous grants. The second, in 1331, gave power to the mayor to take recognizances of those to whom the guardianship of orphans' goods should be committed. It also recognised, that the burgesses from time immemorial had enjoyed the view of frank pledge, and confirmed the same to them. The third, granted in 1347, was merely a confirmation of their freedom from toll, lastage, pontage and passage. This was probably applied for in consequence of the result of a dispute which the townsmen had then recently had with the Carthusian convent of Hinton. This dispute led to a mandate from the King in the year preceding the grant of the last-mentioned charter, reciting the complaints of the prior and convent, that the mayor and bailiffs and merchants of Bristol, pretending to be quit of piccage and other quittances in the kingdom, disturbed the prior and

convent in their fair of Norton, and detained fish and other victuals, and leather and other things necessary to the convent, which were brought in the town, until they were spoiled, or redeemed at the pleasure of the said mayor, bailiffs and merchants, and warning them, that if they made further dissimulation he would, without doubt, retake their liberties and privileges into his hands by reason of the abuse thereof, and would punish the usurpers of his royal power, and have them in plea in his courts to do justice with the desired remedy. Another short charter, granted in the same year as the last, gave authority to rebuild the gaol, and punish offenders against the assize of bread.

Old Bye-laws.

Before passing to the next and most important charter of Edward 3, it will be well to notice the compilation of a set of bye-laws which were drawn up by William Colford, recorder of the town, in the 18th year of Edward 3 (little Red Book, fol. 13). They begin by mentioning, that Stephen Spicer, who was mayor in 1343 and 1344, by common consent, had associated with himself, for helping and expediting the business of the town, forty-eight of the more principal and discreet men of the town as assistants and assessors, in form following: that they should meet at the guildhall when summoned by the mayor, and there proceed to business, and that if any of them were absent, the business should be ordered by twenty-four of them, or, if there were not so many present, by twelve; and states, that many good ordinances of the town having become obsolete, and some nearly forgotten, those there following were agreed on in the presence of most of the above-named forty-eight persons. Only a few of these ordinances now have any interest. Among them is mentioned the custom, which still prevails at Bristol, that the husband of the daughter or widow of a freeman is entitled to his freedom. This compilation was continued during several years. Those added two years later appear to be chiefly for the regulation of the weavers of the town; among them is the first mention we have found of the office of alderman.

The 8th bye-law, 20 Edw. 3, provides, that the mayor shall annually summon before him all the weavers, who shall upon their oath elect four aldermen to supervise all that craft. The 29th provides, that none shall be chosen alderman unless he have a house of his own and revenue (nisi habuit mansionem propriam et redditum).

The 30th bye-law, of the same date, provides that none should be chosen mayor unless he had been first an alderman.

Lastly, another bye-law, in the 13th year of Rich. 2, enacts that each of the four aldermen should be chosen by the twelve principal men of the art.

Hence it would seem, not only that the aldermen at this time were chosen annually, but that they were merely masters of the guild of weavers, and did not necessarily form a part of the common council, as the forty-eight selected men may without impropriety be called, this body being undoubtedly the type on which the common council of forty was established by charter 20 years later. The forty-eight appear to have been chosen from among the principal citizens, as Roger Turtle, who had been nine times mayor, Robert Gwyen, twice mayor, &c.; and the provision that the mayor should be always chosen from such as had been aldermen would in a short time blend the two bodies intimately together, if the vacancies in the common council are supposed to have been supplied from such as had filled the office of mayor.

Bristol was at this time one of the towns of the staple of wool, and the manufacture of cloth was in great repute there: this may account for the importance attached to the guild of weavers.

Charter, 8 August, 47 Edward 3.

The Charter granted by Edw. 3 on the 8th of August, in the 47th year of his reign, (1373) is one of the most important in the whole collection. By it Bristol, with its suburbs and precincts as then limited, was separated, and altogether exempted from the counties of Gloucester and Somerset, and was made a county by itself, called the County of Bristol.

Bristol made a County.

The mayor was made escheator *ex officio*. The sheriff was to be named annually by the King out of three persons selected in each year by the burgesses and commonalty out of themselves. The same powers were granted to the said sheriff and escheator as others had throughout the kingdom, and none other was to interfere with them.

County Court, Mayor's Court.

The sheriff was directed to hold his County Court, and the mayor to continue to hold his Court, as had been accustomed. The mayor was directed to be sworn annually, before the mayor of the preceding year, to both the offices of mayor and escheator, in the presence of the commonalty. The sheriff was to be sworn before the mayor by writ of *dedimus potestatem*. Power was given to the mayor and sheriff to hear and determine all manner of misdemeanors, trespasses, disturbances of the peace, champerties, conspiracies, confederacies, ambidextries, extortions, oppressions, falsities and other misprisions whatsoever within the suburbs and precincts, and concerning victuallers, workmen, labourers and artificers, and to punish by fine and imprisonment, saving the fines to the Crown, to be estreated into the Exchequer; also to inquire concerning all felonies within the town, to arrest and imprison those indicted of felony. And the sheriff and coroners were to receive appeals of the death of a man, and all other felonies, and to arrest the parties appealed against, until delivered by justices of gaol delivery within the said town, and not elsewhere, of which justices the mayor was to be one. Also the mayor and sheriff might take bail for bailable offences. The burgesses were to have the keeping of the gaol, with infangthief and outfangthief; and the mayor and sheriff alone might try and do execution on such, and all taken with the mainour for felonies within the town, and presently arrested.

No burgesses were to plead before any judge, out of the town of Bristol, of tenures, or anything done within the town, or be bound touching contracts, accounts, debts, covenants, trespasses or any act whatsoever, by the verdict of any strangers to the town, or others than burgesses;

burgesses; but the mayor and sheriff were to have conusance of all pleas and assises of novel disseisin and mort d'ancester in the guildhall of the town, and execution on the same, of whatever degree the plaintiff, defendant, tenant or demandant might be, to be allowed by the justices of either bench, on inspection of this charter; saving always the pleas held at Bristol in the court of the King's steward, called the Tolzey court, which were to continue so to be holden before the King's steward and other officers, and the profits of that court, which were to be accounted for to the Crown as theretofore had been used. Tolzey Court.

The Justices appointed for taking assizes, jurats, certificates and inquisitions in Gloucestershire and Somersetshire, the justices of either bench, or of oyer and terminer, or for keeping the peace, or taking any inquisition whatever, the sheriffs and escheators of Gloucestershire and Somersetshire were to have no cognizance and jurisdiction of such matters within the town of Bristol, except in case of error by the justices in eyre and of gaol delivery, and except in inquisitions of the Royal customs and subsidies and other grants to the Crown, and except in those cases which belonged to the Tolzey court; nor were they to be appointed for the town of Bristol, nor to interfere in any case. Power is also granted in this charter to the mayor to enrol deeds of record touching lands and tenures within the town, and to take recognizances of fines in the guildhall of Bristol, and that execution be thereon as fully taken as might be taken in the King's court, the mayor and sheriff delivering estreats of the fines levied every year into the Exchequer; and to the mayor and sheriff to receive probates of wills of lands and tenements within the town, within two years after the death of the testator, to be openly proclaimed in the guildhall, and enrolled there of record, upon which enrolment execution of the devises might be had by the officers of the mayor and sheriff, by writ of *ex gravi querelâ*. And all Writs, original and judicial, from the Chancery, Exchequer, King's Bench or Common Bench, and other courts, or under the seals of the justices in eyre, of oyer and terminer, or any other whatsoever, concerning lands, tenements and tenures, possessions, goods and chattels in Bristol, contracts, covenants, accounts, debts and trespasses, or other things done or arising in Bristol, were to be thenceforward directed, jointly or separately, as the case might require, to the sheriff, escheator and coroner of Bristol, to be executed by them and none others. Non-intromittant Clause. Return of Writs.

The town was to continue to send only two Representatives to Parliament, who were to be summoned both as knights of the shire and as burgesses of the borough. Representatives in Parliament.

The charter then proceeds to establish the common council upon the plan on which it seems already, before the time of this grant, to have existed, not as a permanent body, but to be summoned only in cases of emergency. The provision in the charter is, that if in the customs or ordinances of the town any unremedied difficulties or defects should occur, the mayor and sheriff, with the consent of the commonalty, were to elect from time to time forty of the better and more honest men of the town; and the said mayor, sheriff and forty men for the time being were to have authority, by their common agreement, of establishing and ordering a competent remedy in such cases; and by their common agreement, of assessing and levying tallages on the goods and incomes from trade and merchandize of all the men of Bristol, as they should see best to be done for the benefit of the town. Council of 40. Taxation.

The monies so raised were to remain in the hands of two honest men of the town, to be elected to that office by common consent, until wanted for the occasions and benefit of the town. These Treasurers were to be accountable for the same before the mayor of Bristol and others, to be deputed for that purpose by the commonalty. Treasurers.

After providing for the punishment of any who should disobey or hinder the ordinances so from time to time to be established by the mayor, sheriff and forty men, or raise debates on the election of the mayor, sheriff or other officers of the town, this important charter concludes with a general confirmation of former privileges.

In the month of September of the same year, an inquisition was directed to be taken of the boundary of the new county, which being returned into Chancery by the end of the month, Edward, on the 30th of October, granted a charter, containing an inspeximus of the return, and confirmation of the same. This has been already noticed. Application was then made for the confirmation of both these charters by authority of Parliament, on which the following Bill, preserved among the Acts of Parliament, passed the House of Commons: Perambulation.

"May it please our Lord the King, of his good especial grace, to grant that your gracious charter, made to your liege burgesses of your town of Bristoll, containing, that the said town, with the suburbs and precincts of the same, be a county of itself, and the franchises by you granted to your said burgesses by the same charter be by you ratified and confirmed in this present Parliament, in likewise with the perambulation thereof, made by your commission, and returned in your Chancery, of the said precinct and the bounds of the same. And the Commons pray that this Bill be confirmed in this present Parliament." To this the following answer was returned by the King: "It is assented and agreed in Parliament that the charter, franchises and perambulation of which this Bill makes mention be ratified, approved and confirmed to the burgesses of the town of Bristol, and their heirs and successors for ever, under the great seal of the King."

Upon this, on the 20th December in the same year, the King granted a second charter, which, reciting by inspeximus the two last mentioned, containing the grant and exemplification of the perambulation, concludes in the following manner: "We, by the assent and agreement of the prelates, nobles, great men and commonalty, being in our Parliament called together at Westminster, on the morrow of St. Edmund, king and martyr, last past, Charter, 20 Dec. 47 Edward 3.

do for us and our heirs, by virtue of these presents, ratify, approve and confirm for ever to the said burgesses of Bristol, and to their heirs and successors,"—" the said charter and perambulation, as our charter and letters aforesaid more fully testify. In witness whereof, we have caused these our letters to be made patent. Witness ourself, &c."

In a recent case in the King's Bench, *R.* v. *Haythorn*, 5 B. & C. 410, on application for a *quo warranto* against the mayor of Bristol, it was contended, in support of the rule, that these proceedings constituted a confirmation in Parliament, beyond the authority of any subsequent charter by the King alone to overturn, and, consequently, that this charter of Edw. 3 must now be regarded as the governing charter of Bristol. But the court held, that although if the King's answer had stopped short of the words " under the great seal of the King," it would have been a complete Act of Parliament, irrevocable by one branch of the Legislature alone, the addition of those words deprived it of that character, and was to be considered as qualifying the consent of the King to the Bill, inasmuch as he thereby reserved to himself the manner in which the confirmation should be. This decision seems to imply that the whole effect of the Bill that was passed must be taken to be only the consent of Parliament that the King should do an act which he had full power to do without their concurrence. With the greatest possible deference for the judgment of the court, we yet find a difficulty in understanding why the burgesses of Bristol should twice voluntarily incur the heavy charges of a charter, unless it was understood at the time that some additional authority was to be added to the second grant which was not in the first. We are confirmed in this opinion, that the subtlety of the distinction now taken by such high authority was not fully apprehended by the simplicity of that time, by another Bill in Parliament in the reign of Henry 6, in which the confirmation of this charter of Edward 3 is incidentally mentioned. It does not appear whether this second Bill came under the consideration of the Court of King's Bench, in the argument in *R.* v. *Haythorn.* It appears that in the 4th year of Henry 6, a writ issued to the sheriff of Bristol to elect and cause to come to Parliament, then about to be holden, two burgesses, by the name of burgesses only, in the town of Bristol. Two burgesses were returned, who therefore were unable to take their seats as knights of the shire for the county of Bristol, according to the charter of Edward 3. Upon this the following Bill was exhibited in Parliament:

" Pray the Commons of this present Parliament to consider how King Edward the Third, progenitor of our Lord the King that now is, by his letters patent, of the date of the 7th day of August, in the 47th year of the reign of the said King Edward, granted and confirmed, for himself and his heirs, to the burgesses of Bristol, their heirs and successors, that the town of Bristol should be a county of itself, and charged with only two men, who should answer for the county and town both as knights of the shire and as burgesses of the borough. Which charter, with all the grants and liberties in the same contained, *in the Parliament* of the said King Edward, held at Westminster on the morrow of St. Edmund, king and martyr, next after the said 7th day of August, *was ratified and confirmed by authority of the same Parliament,* as by the letters of confirmation of our Lord the King that now is of the said letters patent to us shown fully appeareth."

This Bill then sets out the writ of summons of two burgesses for the borough only, and prays that it be ordained by authority of that present Parliament that the said burgesses might appear and sit also as knights of the shire, and that the writs thenceforward should be directed according to the charter. To which the King in answer, by the advice of the Lords spiritual and temporal, and at the request of the Commons in that present Parliament, " willed and granted that, by reason of the premises, no prejudice should come to the burgesses of the said town, contrary to the form of their charter."

The Commons in this Bill unequivocally treat Edward's charter as having been "confirmed in Parliament by authority of Parliament," referring to the letters of confirmation of Henry the 6th himself, as it may be supposed a Parliament of Edward 3d, in like case, would have referred to the original, merely as evidence of the fact. Edward the 3d's charter of the 20th December 1373 had been confirmed successively by charters of inspeximus of the 1st Richard 2, 2d Henry 4, 1st Henry 5, and 2d Henry 6, which last is the charter referred to in this Bill. This last charter is ratified by the advice and assent of the Lords spiritual and temporal in Parliament. It may be true that it would not accord with the present practice of Parliament to take notice of any proof of an Act having been passed other than the Act itself; but in the time of Henry 6 or Edward 3, it can hardly be doubted that a Royal charter, declared to be granted with the advice and consent of the Lords spiritual and temporal, or of the prelates, nobles, great men and commonalty in Parliament, would have been received as evidence of equal authority, especially of an Act that was chiefly intended to limit the Royal prerogative. The most reasonable construction, therefore, of the addition of the words, which were held in the Court of King's Bench to destroy the whole effect of the confirmation in Edward's Parliament, appears to us to be, that the King assented to the prayer of the Bill, and thereby did make it an Act of the whole Legislature, and, moreover, granted that he would evidence the fact of that legislative consent under the great seal, which was in those days the most convenient form for the burgesses, and by which they were better enabled to keep alive the memory of the transaction, by obtaining repeated recognitions of it by each succeeding sovereign, the sovereign being, as we have already intimated, the party who was to be chiefly bound by it.

Charter of Richard 2.

Three Charters were granted by Richard 2, two in the 1st year of his reign, the third in the 19th. They are mere charters of confirmation, except that the last of the three, after reciting and confirming that of 47 Edward 3, gives the additional privilege that the steward, marshal

marshal, and clerk of the market, of the King's household, should not sit or exercise their office within the liberties of the town.

Charters of Henry 4, 5 and 6.

The Charters in the 2d and 10th years of Henry 4, and one in the 1st of Henry 5, are mere charters of confirmation. The confirmation of the charter of 47 Edward 3, by 2 Henry 6, "with the assent of the lords spiritual and temporal in Parliament" has been noticed. In the 14th of Henry 6, license was granted to buy lands of the value of 100*l.* in aid of the keys, walls, pavement and bridge. In the 24th year of Henry 6, he granted a charter of exemption of the town and county of Bristol from the Jurisdiction of the Admiral of England and officers of the Court of Admiralty, who were by it prohibited from entering the town, county and port by land or by water, to do any thing that pertained to their office there. Also, that in any case pertaining to the office of Admiralty, of contracts, covenants, or any other things done or perpetrated upon the sea or elsewhere, which ought to be reformed or corrected within the said town and county, a commission should be made to the mayor, recorder and others, to be named by the Crown, of whom the mayor or recorder should always be one, but not to proceed in execution of the same unless in presence of the mayor or recorder.

Admiralty Jurisdiction.

Charters of Edward 4.

A charter, which is almost a copy of this, with the exception of the clause requiring the presence of the mayor or recorder, was granted in the 1st year of Edward 4, besides another, confirming the charter of 19 Richard 2, omitting all those granted by the Lancasterian kings. This jurisdiction has been since surrendered.

Grants of the Town.

In the first year of the reign of Edward 4, the profits of the town, which up to that time had belonged to the Crown, were granted to the mayor and commonalty and their successors for ever.

The town of Bristol belonged to the Crown since John's accession, and had been leased out from time to time, sometimes to individuals, but more frequently to the townspeople themselves, who held it by virtue of several successive demises, with very little intermission, from the accession of Edward 3. In the 17th year of Henry 6, on the death of Johanna (Henry the 4th's widow), on whom it had been settled in dowry, and who had leased it during her life to the mayor and commonalty, Henry 6 granted it to them for 20 years, and again, in the 24th year of his reign, for another term of 60 years. All these demises are drawn up nearly in the same form. The grant in fee is made to the mayor and commonalty and their successors, and to the burgesses and their successors, of the town of Bristol, with the suburbs, gates, walls and ditches; all houses, lands, tenements and services, (except the castle and castle ditch); the rents, landgables, local tolls, pleas of courts, fairs and markets; all fines and issues, jurisdictions and customary payments, with all emoluments and royalties any way arising within the town, except extents of lands, at the yearly total rent of 160*l.* In the following reign of Richard 3, 60*l.* of this rent was released by the King in consideration of great losses which the town and merchants had then recently sustained, and the remainder was redeemed in the reign of Charles 1.

Charter of Henry 7.

Henry 7, in the 15th year of his reign (1499), granted a charter of almost equal importance with that of 47 Edward 3. It first established a court of six aldermen; of these the recorder was to be one, the other five were in the first instance to be nominated by the mayor and common council, and to continue in their office during life, or until removed by the mayor and aldermen, or the greater part of them, by whom also subsequent vacancies in the body were to be filled up out of the most honest and prudent burgesses of the town.

The mayor, recorder and other aldermen were all made justices of the peace, and the same power was given to the aldermen as the aldermen of London had in that city. Any three or more of them, of whom the mayor or recorder was to be one, might inquire of all treasons, murders, felonies and misdemeanors whatsoever within the county, and the mayor and commonalty might levy to their use by the sheriff all fines and forfeitures adjudged before the justices; and no other justices of the peace nor any other justices were to intermeddle within the said town and county. The mayor and aldermen, or any three, of whom the mayor and recorder were to be two, were made justices of gaol delivery within the town and county, saving the fines and forfeitures to the Crown.

This charter also provides for the election of a chamberlain, to be nominated by the mayor and common council from among the burgesses, and to continue in office during life, or until removed, with the same duties and authority as the chamberlain of London, to have perpetual succession, and to plead and be impleaded in all courts and in all actions, real, personal and mixed, by the name of the Chamberlain of the town of Bristol; to keep the muniments, and to receive and expend for the use and profit of the mayor and commonalty the revenues of the corporation, and to be accountable annually before the mayor and aldermen, or before two burgesses appointed by the mayor.

This charter abolished the office of a single sheriff, and directed that the bailiffs of the town should be chosen, as they had been used, by the mayor and commonalty from the burgesses; and that on being chosen bailiffs of the town, they should be also *ex officio* sheriffs of the county, with the same duties, powers and privileges formerly belonging to the single sheriff (except as mentioned below). And in case of their death or removal from office within the year, the mayor, aldermen, and burgesses were to fill up the vacancy.

The cognizance of pleas and plaints, real, personal and mixed, and of assizes of novel disseisin and mort d'ancester, granted by Edward the 3d's charter to the mayor and sheriff, are in this charter confirmed to the mayor and two aldermen, to be appointed by the mayor for the time being; and the mayor, with either of these aldermen, might hold the court formerly held by the mayor and sheriff.

In case of unforeseen difficulties or defects, the mayor, and two aldermen named by him, were to choose forty persons, with the same power as those granted in Edward the 3d's charter to the forty persons chosen by the mayor and sheriff. Two treasurers were to be appointed in the same manner, and with the same duties as before.

The office of water-bailiff, mentioned for the first time in this charter, is therein granted to the mayor and commonalty, with power thenceforward, after the death of one to whom the King had granted it for his life, to depute any one of the burgesses at their pleasure to that office.

The principal object of this charter, besides the appointment of a chamberlain and grant of the office of water-bailiff, seems to have been to disfranchise the sheriff of the magisterial character, which had been improperly annexed to his office.

The Court of Aldermen, erected as a substitute, with additional powers as justices of the peace, and in all magisterial acts the two aldermen nominated by the mayor, were substituted for the sheriff. In other respects the charter of Edward 3 was not interfered with by this new grant.

Grant by Henry 8. Henry 8, in the 34th year of his reign, granted that Bristol thenceforward should be a city, and made it an episcopal see.

Charter, 23 Eliz. In the 23d year of Elizabeth, 1581, an important change was made in the constitution of the Court of Aldermen. Twelve were appointed instead of six, the recorder, as before, being one, and the other eleven to be nominated in the first instance by the mayor and common council. The power of amoval and of filling up vacancies was still reserved to the mayor and aldermen. In case of amoval, they were directed to choose such of the citizens as had filled the office of mayor, and in default of such, from the elder and most influential citizens (*gravissimis*), being of the common council. After which follows a general direction in case of death, retirement or amoval, to elect others from the more honest and prudent burgesses, without any limitation to the common council, in the words of Henry 7th's charter. It is probable, however, even supposing that the latter clause is not to be limited in meaning by the former, that in practice that limitation would be thenceforward generally observed in all cases of vacancy. The other parts of this charter consist merely in extending to the twelve aldermen the powers formerly granted to six.

In none of the charters already quoted is there any order for the manner of choosing the mayor or recorder, or any mention made of the town-clerk, which last-named officer certainly existed in the time of Edward 4, and probably much earlier. In the mayor's calendar, which is a compilation, partly consisting of the old customs of the town, begun by Robert Ricart, the town clerk in that reign, the old method of choosing the mayor is thus described:

"It hath alwaye be used sethen the coming of that blessed Prince, King Edward 3, that the four serjeants waiting on the mayor shall, upon St. Giles' day, the first day of the month of September, warn all the worshipful men of the council of Bristowe to be in their council-house at the guildhall of the same upon the day of the exaltation of the holy cross, at the election of their mayor and other officers for the year following, every man on pain of 10*l.*, as was ordeyred in the time of Stephen le Spycer, being maire, in the 18th year of King Edward the Third: And thereupon the mayor first, by his reason, to name and give his voice to some worshipful man of the said house, and after him the sheriff, and so all the house present in the same, every man to give his voice as shall please him, which shall all be written by the town clerk, and by the same report and present him that hath most voices."

This practice of election by single vote probably continued until the 12th year of Elizabeth, in which year an ordinance was passed, establishing the custom of nomination of three candidates, according to the method which has been continually in use from that time, which will be presently explained.

It has been seen, that there was a recorder of the town at least as early as the 18th Edw. 3. Among the ordinances made in the 5th year of Rich. 2, is one that "une sage home et bien appris de la ley soit elu recorder a sièr ovesque le maire et oier et gouverner les leies, recordes, et entrer lour pleas auxibien reelles comme personelles et pur tener chescun home en droit et en reason en chescun temps que mester soit en scavacion de la franchise." In the 1st and 2d Philip and Mary, it was ordained that none should be chosen recorder under the degree of a bencher, and that the town clerk and steward of the court of the Tolzey should each be an utter barrister of some inn of court. This last ordinance has been since confirmed by charter; that limiting the election of recorder was subsequently repealed.

The common council in this charter of Elizabeth, as well as in that of Hen. 7, is spoken of as a permanent body; indeed it appears probable, from an ordinance in the 10th year of Hen. 5, reciting, "That for the better government of all the commonalty of the town of Bristol, the town was used to be governed by a mayor, sheriff and forty good men of the common council of the same town," that it had early assumed that form after the first institution of the body by Edw. 3. Nevertheless, the same power of calling them together as it was first granted by Edw. 3, not merely by way of summons, but of actual nomination, was continued to the mayor and two aldermen in Hen. 7th's charter, and was untouched by that of Elizabeth; so that it seems as if this body, though practically it might consist of the same persons, must be taken to have met in each instance by the special nomination of the mayor and aldermen; and that the mayor and two aldermen chosen by him might have summoned a new common council at any time. It seems that this continued to be the legal constitution of the common council (passing by the interruption occasioned by a charter of Chas. 2, afterwards

wards avoided) until it was fixed on a new basis by the present governing charter of Anne. But by a bye-law passed in 1619, it was ordered, that thenceforward three candidates should be named for every vacancy in the common council; one by the mayor, one by the aldermen and sheriffs, and such as had been mayor, and one by the remainder of the common council; and that the election should be from these three by a majority of voices, not less than thirty being present. With the exception of the restriction to thirty, that is the form in which the elections have since been continued.

Charter of James 1.

In 1620, James 1, in consideration of the expense incurred by the corporation in keeping up the port, the shores, banks, sea-walls, bridges and king's ways in and near the city, granted his licence to them to purchase and hold manors, lands, tenements and advowsons, to the yearly value of 50*l.*, notwithstanding the statute of Mortmain, as well towards the repairs and maintenance of the port, bridges and shores, as for other common and public burdens and charges of the city.

Grant of the Castle.

In the 5th year of Chas. 1, the castle was taken out of Gloucestershire and made part of the county of Bristol; and in the following year, by charter, dated 26th October 1630, the reversion in the property expectant on a subsisting term of years determinable on lives was granted to the corporation, and the property in the castle and soil thus became vested in them in fee-farm, at 40 *l.* per annum, with all jurisdictions, franchises and emoluments arising from it, except ecclesiastical benefices and knight's fees belonging to the premises, and all manner of lead and tin and other mines.

The rent reserved on this purchase of the castle, as well as on that of the town, was afterwards redeemed by the corporation.

Charter of 1664.

About the time of the restoration of Charles 2, there were disputes in the common council, and several persons refused to take office in it. Doubts were entertained, on reference to the charters, of the existence of any power to force the recusants, which led to a petition for a new charter. The principal points to be secured by this, according to the report of a committee of the council appointed in June 1662, were,

1st. That the mayor, aldermen and common councilmen might have power to enforce fines, not exceeding 500*l.*, on any burgess refusing to be a common councilman, sheriff, alderman, or mayor, unless he would swear himself not to be worth 1,500*l.*

2d. A power of distress for fines on the breach of any bye-law.

3d. A monthly horse-market.

4th. Power to compel substantial inhabitants of good quality to bear offices, who withdrew themselves out of the city for prevention thereof.

5th. The election of Parliament men to be in the mayor, aldermen, common councilmen and freeholders, and none others, as of late had been accustomed.

The petition was favourably received, and a royal proclamation was obtained for compelling persons to take office in the corporation, to be in force until the charter should be prepared, but none such appears to have been granted. The charter, obtained two years later, in 1664, merely embodies all the preceding ones, besides providing, that the mayor, aldermen, recorder, common clerk and other officers, and the justices of peace, should take the oaths of obedience and supremacy.

The year 1680 was remarkable for a singular dispute in the election of an alderman of Bristol, the mayor and Sir Robert Atkins, the recorder, being opposed to each other. At last the mayor refusing to call a meeting of the council for that purpose (hoping, as it is said, that Sir Robert Atkins, who was then one of the judges of the Court of Common Pleas, would be forced to leave the city), the recorder and five other aldermen met without the mayor, and elected one to fill up the vacancy. For this Sir Robert Atkins and three of the other aldermen present were indicted for conspiracy and riot; and in the mean time the common council prepared articles against the recorder, to which they desired him to answer to the council:

1st. That at the court of gaol delivery he withdrew himself, and refused to return, so that the court could not be held.

2d. That he refused to swear in Sir Richard Hart as mayor.

3d. That he had chosen an alderman in council without the mayor.

The indictment was tried at the Bristol assizes, and the defendants were found guilty. Sir Robert moved in arrest of judgment, and argued his own cause in the King's Bench, having been then lately deprived of his seat in the Common Pleas.

Besides objections to the indictment, he rested his defence on the ground, that if the mayor refused to call a council it was competent to the majority to meet without him.

This does not appear tenable according to the charter; the court gave no opinion on that point, but arrested the judgment, because the indictment did not allege that there was a corporation in Bristol.

The following year the recorder resigned his situation.

Quo Warranto, 1683.

For some years the common council had been allowed to exceed the number prescribed by charter, and on this ground, among others, a *quo warranto* was moved for against the corporation by Sir Robert Sawyer, the attorney-general, in the year 1683. When it was first sent down to the city, in March 1683, the question was put, whether the charters should be surrendered, which passed in the negative. The rest of that summer was spent in negociation with the attorney-general, who dwelt particularly on the facts of the supernumerary common councilmen, and of the omission to hold the gaol delivery, already mentioned as an article of charge against Sir Robert Atkins.

In September 1683, an address to the King was agreed on, hoping that his Majesty accepted their care of preserving the government of the city in loyal hands in those doubtful and dangerous times, by not depending on their own judgments, but taking the measure of electing their mayor the last year by the intimation of his Grace the Duke of Beaufort, and that year of their mayor and sheriffs from his sacred Majesty's directions, by his royal letter under his sign manual; concluding with a prayer for confirmation of their liberties, and to order the governing part of the city as might be most agreeable to his royal inclinations. In October 1683, the mayor wrote to the attorney-general, mentioning the King's declaration, that it was not his intention to deprive them of their privileges, but to settle the government so as to prevent factions. To this he replied, that he should forbear to press for their plea to the *quo warranto* until he discovered they dealt deceitfully with the King, as the city of London did.

The letter continues as follows: "I have herewith, by His Majesty's direction, sent you an instrument, which is necessary to be executed by you before the King can proceed in regulating the government of the city according to your submission. The King designeth very little alteration, only to reduce you to your old number of forty-three common councilmen; which being done, you are to proceed on in your election as formerly, subject to removal by his Majesty's order in Council. I understand there has formerly been some mention made of another justice of *quorum*, and other uncertainties about the election of your aldermen, that you have a mind to be better stated. So pray consider among yourselves what you would have done in that, &c."

Surrender of Charters.

The instrument here spoken of was a surrender of charters and privileges, confessing the fact, that all elections for several years had been by a supernumerary common council, and that there were other defects in the model of the government, rendering it not so useful to the King's sacred Majesty or to themselves as they could wish, with a prayer for a regrant of their privileges, or such and in such manner as his Majesty should judge most conducive to the better government of the city.

This deed of surrender was executed on the 9th November 1683.

Charter of Charles 2, 1684.

In June 1684, Chas. 2 granted a new charter, incorporating the citizens and inhabitants of the city of Bristol. The mayor, sheriffs, recorder, aldermen, common clerk and steward of the sheriff's court were reappointed, with the same powers and duties as before, with a common council of forty-three persons, including the mayor and aldermen. The power of filling up vacancies by death or removal in the common council, of making bye-laws, subject to the approval of the Lord Chancellor or two justices of either bench, and of electing the mayor and sheriffs out of the common council, was given by this charter to a majority of the common council, all which powers it appears they had practically acquired for many years before they were formally granted. The recorder was to be a barrister of five years' standing at least. The common clerk and steward of the sheriff s court barristers of three years' standing at least. All these to be chosen by a majority of the mayor and common council, subject to the approval of the Crown. The aldermen, with the exception of the recorder, were to be chosen by a majority of the mayor and aldermen. All the aldermen, except the recorder, were to reside within the city. The common clerk was not to be an alderman or sheriff during his office of town clerk. If any refused to take the office of mayor or alderman, sheriff or common councilman, the mayor and common council, or a majority of them, of whom the mayor was to be one, might impose a fine of 500 *l.*, and imprison the party until the fine was paid, unless he would swear that he was not worth 2,000 *l.*

The justices, or any three or more of them, of whom the mayor, recorder, or senior alderman resident, in the absence of the recorder, was to be one, were to hold four sessions of the peace and gaol delivery in the year.

This charter also contains a grant of two coroners, to be appointed by the mayor and common council, subject to the approval of the Crown, with the general proviso for removing the mayor or any other of the officers by the King in Council. It granted a corn-market at the Key, and another at the Back, with power to the mayor and aldermen to fix reasonable tolls there; three cloth fairs annually in King-street, on the 18th of April and the 18th June, for two days each, and on Thursday after Michaelmas-day; and five annual horse fairs, one on the 25th January, one the 26th and 27th September, in Temple-street; at Redcliff-hill on the 25th and 26th March, and 25th, 26th and 27th November; and at Broadmead, in the parish of St. James, on the 25th and 26th May.

The horse fair, and the power of fining for non-acceptance of office, appear to have been two of the points that the corporation were very desirous of obtaining.

In January 1687, James 1 actually displaced the mayor and six aldermen, the sheriffs and 18 common councilmen, and in September 1688, an alderman and two common councilmen, and appointed others to their places; but in October 1688, on the proclamation for restoration of Charters, William Clutterbuck, who was one of the aldermen removed, and who had been mayor at the time of the surrender to Charles 2. convened a meeting of such as were of the council previous to the surrender, and proceeded to choose a mayor and other officers under their old charters. The deed of surrender, which had never been enrolled, was delivered up to be cancelled.

Old Charters restored.

In 1704, a bye-law was passed, inflicting a penalty of 200 *l.* on any citizen who should refuse to be of the common council, and 300 *l.* for refusing to be sheriff. The former of these was repeated in 1708 and 1710, with the addition, "unless the party would swear himself not worth 2,000 *l.*" The penalty for refusing to be mayor was fixed, in 1710, at 400 *l.*, with the same clause of exemption. The common council seem to have apprehended that

that they had no power to enforce these fines; for, in 1708, a committee was appointed to examine the charters with the view of ascertaining the fact. According to their recommendation, application was made, in 1710, for a new charter. It was noticed among the inconveniences desirable to be remedied, that the mayor was forced to go to London to be sworn, and in fact several entries appear of his absenting himself from Bristol for that purpose. The charter of Edward 3 had directed the mayor to be sworn before his predecessor; the later charters (with the exception of that of Charles 2) are silent on this head. Power was also desired to swear in any alderman in the absence of the recorder. These are all the instructions for the new charter that are mentioned in the council book of that date.

A new Charter was accordingly granted by Anne on the 24th July 1710, which is the latest that has been granted to the city. Charter of Anne.

3. Under the governing charters the title of the corporation of Bristol is the Mayor, Burgesses and Commonalty of the City of Bristol. CORPORATE BODY: Title.

It is composed of a mayor, twelve aldermen, thirty common councilmen, and an indefinite number of burgesses or freemen. The select, or governing body, which consists of the mayor, aldermen and common councilmen, is called the Common Council. Constitution.

The Mayor is elected on the 15th September in every year by the common council, of whom it is necessary that twenty-two at least should be present for the purpose of forming an elective assembly. It is not necessary that there should be a majority of aldermen or common councilmen separately. He is chosen from the common council, and is most frequently the senior common councilman who has not before filled the office. An alderman is sometimes elected, but it is very uncommon. The mode of election is as follows: Three candidates are put in nomination; one by the mayor who is going out of office, a second by the aldermen and sheriffs, a third by the rest of the common council. The mayor is then elected by a majority of the whole assembly from these three. He is sworn into office before his predecessor, at the Guildhall, on the 29th September; and his year begins from that day. Election of Mayor.

In case of the mayor's death in the course of his year of office, the senior alderman who is at Bristol calls a meeting of the common council, and a mayor for the remainder of the year is elected in the same manner as on the regular annual meeting, the senior alderman supplying the place of mayor. There are two instances within the last thirty years of such elections taking place in the middle of the year; the last of them was in 1808. There is nothing in the charters which prescribes the mode of nomination which has been here mentioned; it appears to have been established in 12 Elizabeth by a bye-law, and has continued in this form without variation since that time.

The charter does not prescribe residence on the part of the mayor. An old bye-law of 1606, confirmed in 1702, provided that he should not be out of the city more than three days and nights, upon penalty of 100*l.* An annual vote of the common council is now passed that he should have leave of absence for six weeks; but this permission appears in practice to be seldom taken advantage of, and the mayor has always been resident in the city. Residence.

There is a bye-law imposing a fine of 500*l.*, under a general power in the charter, on any person elected to the office of mayor who shall refuse to serve. There have been frequent instances of persons refusing to serve the office; the last was in 1805. In all these cases the full amount of the fine was paid. Fine for non-acceptance.

The power of fining, as it stood previously to the grant of the present charter, has been already noticed. In 1710 the fine was fixed at 400*l.*, unless the party elected would swear that he was not worth 2,000*l.*, which mode of exemption remains to this time. In 1805 the fine was raised to 500*l.*, its present amount.

The recorder is, by charter, the first Alderman. He is elected, during good behaviour, by the common council. He must be a barrister of five years; and has always been a lawyer of high standing at the bar. He has never been resident, at least not in modern times. The present recorder is Sir Charles Wetherell. He was chosen in 1827 to succeed Lord Lyndhurst, who was preceded by the late Lord Gifford and Sir Vicary Gibbs. Election of Aldermen.

The other aldermen are elected, during good behaviour, by the mayor and aldermen from the common councilmen, as vacancies may occur. Seven are said to make an elective assembly for this purpose. The mayor has a casting vote in case of an equality of voices. It is usual to choose into the office of alderman such of the common councilmen as have served the office of mayor, but this is not an invariable rule. The number of aldermen, which by the charter of Anne is fixed at twelve, has been generally kept full.

By the charter of 36 Chas. 2, it was required that all the aldermen, except the recorder, should be resident within the city, the suburbs, liberties and precincts of the same. The charter of Anne has no such provision; and there being no bye-law on the subject, no strict rule of residence has been enforced. Only one, or at most two, besides the mayor, at this time reside in the city. Two live at Clifton; the others, except one of advanced age, who is absent from ill health, reside in the neighbourhood, at various distances, from one to three or four miles. Most of them have counting-houses in the city. It has happened formerly that some of the aldermen have removed altogether from the neighbourhood of Bristol. For instance, it was stated to us that in 1807 one of the body was living in Bath, and Residence.

another held an office in the Exchequer for many years in London. But the more usual course is said to have been, that an alderman who went away for the purpose of permanently establishing himself elsewhere, resigned his office. There has been no instance of amoval of an alderman in modern times.

There is no fine for non-acceptance of the office of alderman. No instance of a refusal to serve it has been known to occur; nor is any difficulty found in filling up vacancies from the common councilmen.

Election of Common Councilmen.

The Common Councilmen are elected, during good behaviour, by the common council, a majority of which, however constituted, provided the mayor be present, is a sufficient elective assembly. They are chosen from the burgesses as vacancies occur; and the same course is followed in the election of a common councilman as in that of mayor, three candidates being named, one of whom is finally elected. This was regulated by bye-law of 1619, confirmed in 1702. It has been usual to keep up the common council nearly, if not quite, to its full chartered number. With regard to the persons chosen into that body, the general practice is to elect those who either reside in Bristol or carry on business there; but it is not necessary that residents should be chosen; nor is there any law requiring common councilmen to reside after their election.

Residence.

Fine for non-acceptance.

By the same bye-law of 1805, which raised the penalty for non-acceptance of the office of mayor to 500*l.*, a fine of 300*l.* is imposed on every one refusing to take upon himself the office of common councilman. Frequent instances of such refusals have occurred, and in all those cases the full penalty has been enforced. It has sometimes happened that a burgess, who had paid the fine for non-acceptance, has afterwards expressed a willingness to go into the common council; and upon his being so elected the second time the fine has been repaid to him; but, with these exceptions, there has been no remission or mitigation of it. The fine is, in strictness, demandable immediately upon refusal to take the office; but it has been usual to allow time before it is enforced, especially of late years, when the difficulty of filling up vacancies in the common council appears to have increased. At the present time there are some defaulters of several months' standing, who have not yet been called on to pay the fine. The fine, when paid, is taken to operate in practice, not only as an excuse for not serving the office of common councilman for that turn, but as a permanent exemption. One or two instances were stated to us of persons who have not taken up their freedom, to which they were entitled, in order to avoid being chosen of the common council.

Removal.

Resignation.

The common councilmen, like the aldermen, are to hold their office during good behaviour. No power of removing them is specially conferred by the charter, although it may be presumed, on sufficient cause, to be in the common council: it has never been exercised, nor is there any bye-law on the subject. In cases of permanent absence from the city, resignations of the common councilmen have frequently occurred, especially within the last few years.

Freedom, how acquired.

The Burgesses acquire their Freedom either by birth, marriage, apprenticeship or purchase. This appears to have been settled, or at least declared, according to the present regulations, by a bye-law passed in 1606. A penalty of 100*l.* was therein imposed on the mayor and chamberlain for admitting in any other way.

By Birth.

The restrictions under which the freedom is acquired by Birth are, 1st, that the party must be born within the city; 2dly, that his birth must have taken place after his father became free. All the sons born under these circumstances are entitled to the freedom.

By Marriage.

Freedom by Marriage is acquired by marrying the daughter or widow of a freeman. A freeman's daughter, in order to communicate the right of freedom to her husband, must have been born within the city after her father became free. A widow may confer the freedom upon more than one husband; but on a third or any subsequent marriage is subjected to a fine of 40*s.*

By Apprenticeship.

The Apprenticeship, which confers a right to the freedom, must be for seven years to a freemen carrying on business within the city. When a binding is proposed to take place, the master and apprentice go before the mayor, or one of the aldermen, who signs an order for enrolment at the Tolsey. The indentures are thereupon executed and enrolled. All such indentures are prepared in the town clerk's office. A fee of 17*s.* 2*d.* is paid to the town clerk for preparing and enrolling the indentures, and 1*s.* to the Tolsey-keeper. After having served his time, the apprentice who desires to be admitted to his freedom usually brings a certificate of service from the master. If the master were to refuse to certify, other proof of the service would be required and received.

The place of service under the indentures is not particularly inquired into. Whether, in strictness, it must be within the limits of the city, does not appear with any certainty, except in the bye-law of 1606, where it is mentioned as a necessary condition. Instances have occurred of apprentices being admitted to their freedom after serving on board sea-going vessels trading from the port of Bristol. This can scarcely be considered as an exception, as the service may be taken to be virtually within the city.

By Purchase.

The freedom of the city may be purchased by paying a fine to the corporation. The applicant petitions the common council. The petition is referred to a committee, consisting of all the common council below the rank of aldermen; and the committee, before whom the petitioner always attends, report upon the fine that should be paid, which varies from 12 guineas to 100 guineas, according to the station of the applicant, and to the benefit which he

he is likely to derive from the freedom. The sum of 100 guineas is said to be the largest fine ever paid. The *minimum* of 12 guineas is fixed at that amount by a bye-law. Upon the report of the committee, the subject is reviewed by the common council, who have sometimes, but rarely, altered the amount of the fine proposed to be demanded. The petitioner is not informed of the fine that the committee propose to recommend until he learns it from the answer to his petition. He is bound to take up his freedom in six months after the order for his admission is made by the common council. If he neglects to do so, he must petition again; and upon the second application the fine originally imposed is increased, unless some special ground is stated for reducing it. The applications for admittance by purchase are not numerous. No distinction is made in favour of freemen by purchase or otherwise in the choice of common councilmen.

Occasionally the freedom has been conferred as a gift, but only on persons of distinction not connected with Bristol. In 1657 it was ordered in council, which order was confirmed in 1702, that the freedom should be conferred by gift on none but the high steward, the recorder and the mayor's freeman. The mayor had formerly the right of nominating one freeman during his mayoralty, who was called the mayor's freeman. Occasionally he had an allowance in consideration of not exercising his privilege. Both the privilege and the equivalent for it have been long disused.

Fees on Admission.

Those who claim to be admitted to their freedom as a matter of right pay the following fees on admission: 10*s.* to the town-clerk, 9*s.* to the chamberlain, 3*s.* 8*d.* to the mayor's serjeants, 1*s.* 6*d.* to the tolsey-keeper or housekeeper, and a sum of 3*s.* 4*d.*, called burgess money, to the corporation. On the admission of a Quaker there is an additional fee of 5*s.*

On the admission of a purchaser the fees are, 1*l.* 7*s.* to the town clerk, 14*s.* to the chamberlain, 3*s.* 8*d.* to the mayor's serjeants, 1*s.* 6*d.* to the tolsey-keeper, and 3*s.* 4*d.* burgess money.

Privileges

All the corporation, including the burgesses or freemen, are exempt from the town dues both of Bristol and of Liverpool. In order to secure their exemption in the port of Liverpool, they obtain from the chamberlain certificates of their freedom, for which a fee of 10*s.* is paid. Proclamation is still made annually on the charter-day for all freemen who are desirous of being made free of the staple, and it is said that applicants would be sworn in, but there are no privileges now attached to that admission. The freemen had always a right, with the freeholders of the county, to vote for Members of Parliament for the city and county; and they have certain advantages, which will hereafter be mentioned, in being exclusively eligible to particular offices and situations under the common council. They are also exclusively entitled to the proceeds of several charities, the particulars of which are stated in the Sixth, Seventh, Eighth, Ninth and Tenth Reports of the Commissioners for Inquiring into Charities.

Ruling Body.

All the powers belonging to the corporate body are exercised by the common council, the constitution of which has been already described. By the charter of Anne they have authority to make laws and ordinances, with fines and penalties, for the purpose of compelling every person duly elected into any office to take upon him and execute the office. They

Fines.

are likewise, by the same charter, empowered to make laws and ordinances for the government of the city, and to impose penalties, by fines and amercements, for the non-observance of such bye-laws, and to recover the penalties by distress or by action of debt, or in any other legal manner. It does not appear that any bye-laws are now in force, or any penalties imposed, except such as refer to members of the corporate body.

For the ordinary business of the corporation, the common council meets on four stated days in the year, namely, the second Wednesday in each of the months March, June and December, and on the 15th September. These meetings are called the quarterly houses, and the 15th September is also termed the charter-day.

On the charter-day any member of the common council may bring forward any motion, unless it be to vote a sum exceeding 20*l.*, in which case there must be a previous notice of the intended motion. By an old bye-law, upon the application of eight common councilmen to the mayor, he is required, with the concurrence of the aldermen, to call a meeting of the common council; but this power has never been resorted to, it being found in practice that whenever the business of the corporation requires that a common council should be assembled, the necessary summons is always issued by the mayor, and in case of special business the occasion of their meeting is inserted in the summons. A practice is said to have prevailed formerly in the common council of holding previous meetings of the party then predominant, who were thus enabled to carry measures in the council on which they had previously agreed: this is said to be now obsolete.

Committees.

There are several standing Committees of the common council, formed for the dispatch of the corporate business. The most important of these is called the Committee of Surveyors of the City Lands. It is elected out of the whole body of the common council annually in September, and consists of the mayor, the late mayor, five aldermen, and two common councilmen. The two senior aldermen (next to the recorder) are generally re-elected on the committee. The other aldermen and the common councilmen are usually changed every two years. Of this committee five are a quorum, and its business consists in the management of the landed estates of the corporation, in fixing the amount of fines and in determining what repairs shall be done, and what leases shall be granted.

A committee is also formed, called the Committee of Town Dues, for the consideration of all matters relating to the dues levied by the corporation. They meet every month, and have from time to time to consider and decide upon various questions and memorials con-

nected with the subject of town dues. For the purpose of enforcing the payment of them, the Committee have authority to commence actions in the name of the corporation without referring to the common council.

The yearly audit of the accounts is also transacted in a committee of the whole common council. Only a small number attend to examine the accounts in detail. Those who perform this duty receive as their remuneration their share of the sum of 3*l.*, left by Alderman Kitchen, to be distributed annually among the auditors of the accounts.

The original form of these committees soon after the first establishment of the common council may perhaps be traced in the following bye-laws, passed in the time of Richard 2:

"Item, tous ceux qui sont receyvors des communes biens de la ville rentes ou autres profits quiconques qui sont accomptables devant le maire, que lour accompte soit oier en presence le maire et autres dont quatre ou six elus per assent de les communes de ann en ann aidonques soient present.

"Item, que nulle des communes biens de la ville per priere de nulli soit donee a nulle home sil ne soit per assent du maire et certains gents eluz per les communes pur estre elu ou commend par ceux qui avont receu le don en damage as commune de la ville.

"Item, que si nulli des communes ceo pleint en disant que droit ne resoun ne est fait touchant lours communes biens de la ville et auxint les articles accoutumés ni est mye execut selon les ordinances que due hommes elus par les communes purra aver audience et monstrer resonablement les defautes antinommes devant le maire sans estre reprise de nulli sans nulles congregacions faire des communes de la ville."

These probably became obsolete in practice at an early date: they were actually repealed by being omitted from the compilation of the ordinances in 1702, which embodied all that were then thought necessary to be preserved.

OFFICERS.

4. The Officers of the corporation, besides a High Steward, who is merely an honorary officer, are—

- The Mayor.
- Recorder, who is *ex officio* First Alderman.
- Eleven other Aldermen.
- Two Sheriffs.
- Town-clerk and Clerk of the Peace.
- Deputy Clerk of the Peace, who is also Clerk of Arraigns and Prothonotary of the Mayor's Court.
- Steward of the Court of the Tolsey or Sheriffs' Court.
- Prothonotary of the Tolsey Court.
- Assessor of the Court of Requests.
- Two Coroners.
- Chamberlain and Deputy Chamberlain.
- Mayor's Clerk.
- Registrar of the Court of Conscience.
- Sword-bearer.
- Librarian.
- Organist to the Mayor's Chapel.
- Collector of town dues.
- Land Steward.
- Haven Master.
- Water Bailiff.
- Quay Warden.
- Corn Measurer.
- Keeper of the Bridewell.
- Collector of the Exchange Market.
- Clerk of St. James's Market.
- Clerk of the Exchange Market.
- Bridge-keeper.
- Two Inspectors of Nuisances.
- Clerk of the hay market.
- Four Serjeants-at-mace to the Mayor.
- Four Serjeants-at-mace to the Sheriffs.
- Four Sheriffs' Yeomen.
- Exchange-keeper.

There are also some other inferior appointments; a beadle, a crier, a bellman, and four wait players; besides two marshals to the mayor, appointed by the mayor, and two sheriffs' beadles, appointed by the sheriffs.

Twelve constables or policemen have been lately appointed by the common council; but these are only temporary officers.

Lord Lieutenant of the County.

A Lord Lieutenant is appointed for the County of Bristol, but he is in nowise a member of the civic corporation.

Mayor.

The mode of electing the Mayor has been already stated, as well as the functions he has to perform as head of the corporate body. But he has also judicial and magisterial duties to discharge. He is a quorum judge in the Nisi Prius Commission, and has in this character occasionally opened the commission. He is, with the recorder, a necessary part of the court of gaol delivery. As the chief magistrate of the city, he presides at the quarter sessions, and if he and the recorder are both absent, two of the three justices who form the court must be of the five senior aldermen. He holds the Court of Conscience every Monday, with an alderman and common councilman. In his ordinary character of justice of the peace he attends daily at the council-house from about one o'clock until the business is disposed of. He is *ex officio* a commissioner of the Court of Requests, and director of the Dock Company. He is still sworn to the duties of escheator and mayor of the staple; but there are now none to perform.

The Mayor, as part of his emoluments, takes certain dues in the port of Bristol, called "Mayor's Dues." The scale of these dues is now regulated by an Act of the 6 Geo. 4; they are taken on all vessels of 60 tons and upwards arriving in the port of Bristol from the westward of the Holmes. He also receives 100 oysters out of every oyster boat, and a fish from every other fishing-vessel that comes into Bristol. Those receipts in the year 1830 were about 590*l.*; in 1831, about 645*l.*; in 1832, not more than 466*l.* The mayor is also entitled to a fee of 4*s.* for each instrument to which the city seal is affixed. The amount of these fees appears on an average to be about 20*l.* a year. The common council add annually such a sum to the mayor's dues and other fees as will in their judgment make up a

competent salary in the whole. Before 1824 the mayor's salary was made up to 2,500*l.* In 1824 it was reduced to 2,000*l.*; and in the last year it was farther reduced to 1,500*l.* Besides the salary of 1,500*l.*, he is paid an additional sum of 104*l.*, which has always been allowed to the mayor for the expense of holding the sessions, and which used to be included in the former sums. A mansion-house is provided for him, which is furnished and kept up at the expense of the corporation.

The office of mayor is one of considerable expense: he provides himself with a state equipage; he entertains the judge of assize and the recorder at his house on the occasions of their holding courts in the city of Bristol; he gives a state dinner at each of the quarterly houses, and at the assizes and gaol delivery. Besides those entertainments at stated periods, he is usually put to considerable expense in the exercise of general hospitality. He makes certain fixed payments to several officers: 16*l.* 5*s.* 6*d.* to each of his four serjeants-at-mace, 15 guineas to each of his two marshals, and he has to maintain a beadle in the mansion-house. He also gives gold gloves to the sheriffs, which cost 20 guineas, but usually receives a present of plate from them in return.

High Steward.

The High Steward is elected by the common council for life. The office is entirely honorary, and is always filled by a nobleman or person of distinction. Among former high stewards occur the names of Sir Harry Vane and Oliver Cromwell. The present high steward is the Duke of Beaufort, who is also lord lieutenant of the county of Bristol. Formerly the high steward received a pipe of wine, but this present has been discontinued within the last three years.

Recorder.

The Recorder on his election becomes first alderman, and as such, he is a justice of the peace. His chief duty is as a judge of gaol delivery, in which capacity he ordinarily sits either once or twice in the year, according to the number of criminals who are to be tried before him. His name is never in the Nisi Prius Commission.

The recorder has no fixed salary, but 100 guineas are usually voted to him by the common council each time that his presence is judicially required. He receives also every year a present of a hogshead of port wine, or of sherry, at his option.

Aldermen.

All the Aldermen are justices of the peace and of gaol delivery. As justices of peace, they sit daily at the council-house by turns; but besides the alderman whose turn it is, there are generally several magistrates present in the course of the day. Each alderman is appointed to a ward, of which he is considered to have more particularly the charge in matters relating to public-houses and the watch-rate. The recorder is always the alderman of Trinity Ward, and the mayor acts for him in that capacity. Upon a vacancy, the aldermen have a right to take in seniority the vacant ward, but in practice they seldom change. The summonses for poor-rates are issued by the alderman of the particular ward, and he usually hears the complaints; but this is matter of arrangement among the aldermen, who have each of them entire jurisdiction over every part of the city. They do not sit as magistrates in their respective wards, or hold any meetings there, except for the purposes of the Watch Act.

Sheriffs.

The two Sheriffs are elected by the common council, at the quarterly house, on the 15th September, for a year, commencing from the next Michaelmas. They are invariably taken from the common councilmen, and those are usually chosen who have been newly elected into that body. An instance has occurred of a common councilman serving the office of sheriff after that of mayor.

The mode of election is as follows: One candidate is first put in nomination by a vote of the whole body of the common council, and then another, who is called a competitor. The same assembly then elects the senior sheriff from the two thus put in nomination. The election of the junior sheriff follows with the same formalities. There is a fine of 300*l.* for not accepting the office, but no instance is remembered of a party refusing to serve.

The sheriffs take two oaths, the oath of a sheriff and the oath of a bailiff. Both these oaths are taken at the same time, on the 29th September. The duties of the sheriffs are the ordinary duties which belong to sheriffs of counties. They do not form one sheriff as in Middlesex, but act either separately or jointly, according to the nature of the duty which is to be performed. One of the two presides at the sheriffs' monthly court, and also at a court called the Tolsey Court. The sheriffs have the superintendence of the gaol, and appoint the gaoler. They are also overseers of the bridewell. They are the returning officers of the city.

They appoint an under-sheriff, who has a claim to be paid, as in counties at large, by the fees of office. The sheriffs themselves receive a salary from the corporation of 400*l.* a year each. Six or seven years ago the salary was 630*l.* each; it was then reduced to its present amount. The corporation have since that time undertaken to pay the board wages of the sheriffs' yeomen and serjeants, charges which before the reduction fell upon the sheriffs. Each sheriff keeps a state carriage, and they give a dinner on the second day of the assizes and of the gaol delivery. They also make a customary present of a piece of plate to the mayor, of the value of 80 or 100 guineas. In case of serving the office of sheriff a second time, the chamber pays an additional allowance (not exceeding 230*l.*) to reimburse him for what he has actually expended, provided it is made to appear to the mayor and aldermen that the expenses have been actually incurred.

Town Clerk.

The Town Clerk is elected by the common council, and holds his office during good behaviour. It is required by the charter of Anne that he should be a barrister of three years' standing.

standing. He is appointed town clerk and clerk of the peace, and also steward of the manors and estates belonging to the corporation and of the charities under their control. He executes his duties of town clerk principally by deputy. He attends the periodical meetings of the common council, and advises the corporation in person. He sits personally at the quarter sessions as assessor to the magistrates, tries the prisoners, charges the jury and pronounces the sentences on which the court have agreed. His duties as clerk of the peace are entirely performed by deputy. One or two instances have occurred in which another barrister of the proper standing has been deputed to officiate for him at the sessions; but on these occasions the substitution of a deputy took place on account only of unavoidable absence. An unrepealed bye-law of Philip & Mary requires that the town clerk should be resident or forfeit his situation; but this has not been acted on for many years, and it was submitted to us that the duties which now alone devolve on him, being in the nature of those of a deputy recorder, are better performed than if he were to take any part in the daily proceedings of the magistrates respecting the prisoners whom he has afterwards to try. The present town clerk always attends the quarter sessions, and during the long vacation resides in the neighbourhood of Bristol. He is also usually present at the quarterly houses.

Deputy Clerk of the Peace.

The appointment of Deputy Clerk of the Peace is by the town clerk, and is merely a private appointment; it is made by deed. No deputy is named in the charter. This officer and another gentleman, his partner, assisted by the necessary number of clerks, perform all the office business of the town clerk, and all the business of clerk of the peace. They also hold the courts leet for him as deputy stewards. The business of the town clerk's office consists in recording the proceedings of the common council, enrolling freemen and apprentices, preparing the city leases, and transacting any business that relates to the stewardship of the courts.

The names of the town clerk and deputy clerk of the peace are both in the commission of Nisi Prius as associates; but the deputy is always the acting associate. The deputy clerk of the peace receives a separate appointment as clerk to the magistrates, which the town clerk is not considered to be, and no account is rendered to the town-clerk of the fees of that office.

The town clerk has a yearly salary from the corporation of 200*l.* The fees of his office from September 1830 to September 1831 amounted to 796*l.* 9*s.* 5*d.*; from September 1831 to September 1832, a year in which there were an extraordinary number of leases, to about 836*l.* Taking into account the diminished number of freedoms that are likely to be taken up in future years, the gross amount of fees upon an average is not likely to exceed 800*l.* The remuneration of the deputies, and of those who are required for the business of the office is provided for out of the town clerk's salary and fees, as may be arranged between him and them. The present mode is, that the deputy takes all the fees, and pays over a fixed sum to the town clerk. The present deputy clerk of the peace and his partner are also solicitors to the corporation, and are paid for business done in that capacity. This is not always the case; the former solicitor had no connexion with the council.

Steward of the Tolsey Court.

The Steward of the Sheriff's Court acts as a judicial officer, and is required by the charter to be a barrister of three years' standing. He is appointed by the common council, and holds his office during good behaviour. He need not be a freeman. It is his duty to preside as assessor to the sheriffs in the Tolsey Court, and he is in practice the sole judge in that court. He has no salary, but is paid entirely by the fees which are payable on the proceedings of the court. The present steward resides near Bristol. The last steward was displaced for non-residence, on being appointed one of the London police magistrates: he moved the King's Bench for a mandamus to the corporation to readmit him, which was refused. *R. v. Griffiths*, 5 B. & A. 731.

Prothonotary of the Tolsey Court.

The Prothonotary of this Court is also appointed by the common council. His duties will be stated in describing the constitution of the court. He is paid by the customary fees which belong to his office.

Assessor of the Court of Requests.

The common council appoint a barrister of six years' standing to be Assessor of the Court of Requests. His appointment is of a permanent nature, except that he is removable by the Lord Chancellor. The clerk of this court and the inferior officer belonging to it are also appointed by the common council; their appointments are annually renewed. The assessor, the clerk and the inferior officers are paid by fees, as directed by the Act which established the court, and which will be adverted to hereafter.

Coroners.

Two Coroners are appointed for the city by the common council, to continue in office during good behaviour. They are never members of the common council, but they must be freemen. They sit separately in the exercise of their duties. Their jurisdiction is co-extensive with the city bounds, by water as well as by land, including those parts of Clifton and Bedminster which have been added to the city. The number of inquests within those limits is from 60 to 70 in the course of the year. They return their inquests at the gaol delivery. Each coroner receives a yearly salary of 50*l.* from the corporation. They have no fees.

Chamberlain.

The Chamberlain is appointed annually by the common council, at the quarterly house, on the second Wednesday in March. He must be a freeman, but he is never a member of the common council. He is not named in the charter of Anne or Elizabeth; but by that of Henry 8th, he is made for some purposes a corporation sole, with the same powers as the chamberlain of London. The duties of his office are to receive all the rents and other revenues of the corporation, to make all disbursements from the corporate fund, and in general

general to superintend the management of the property. The muniments of the corporation are under his sole charge. The chamberlain gives security to the corporation, himself and two sureties, in 5,000*l.* His yearly salary is 700*l.* There are fees of office, which amount on an average to 50*l.* in each year. He receives also a commission of five per cent. on the country rents collected. No commission is received on rents which arise in the city. The amount of commission for the year ending 29th September 1832, was 184*l.* 7*s.* 6*d.* a sum which is rather above the average. The chamberlain, out of his salary and other receipts, pays 100*l.* yearly to the deputy chamberlain. The chamberlain also receives a separate appointment as treasurer of the charitable estates, of which the corporation are trustees, under the title of Receiver of the Rents and Profits of the Charitable Estates.

The Deputy Chamberlain is appointed by the common council annually in December. He gives security to the chamberlain, himself and two sureties, in 1,500*l.* Besides the yearly sum of 100*l.*, which the deputy receives from his principal, he has also a yearly salary of 250*l.* from the corporation. Deputy Chamberlain.

There are two clerks in the chamberlain's office; one an apprentice, to whom the corporation pay 20*l.* annually; the other who receives 130*l.* annually, also paid by the corporation.

The Mayor's Clerk receives his appointment annually from the common council at the December house. It is an office which has existed in the corporation for about 50 years, and is always bestowed upon the junior partner in the town clerk's office. It is the duty of the mayor's clerk to attend the mayor and other justices on any magisterial business that may arise out of the usual hours of business. His yearly salary is 200*l.* Mayor's Clerk.

The Registrar of the Court of Conscience is appointed by the common council, under an Act of 1 W. & M., which established that court. He is paid by fees. Registrar of the Court of Conscience.

The office of Sword-bearer is very ancient, though not mentioned in any of the charters. He is appointed annually by the common council, at the December house. The sword-bearer is also inspector of weights and measures. He attends upon the mayor every day, and on state occasions bears the sword before him. He ranks as a superior officer in the corporation; and it being part of his duty to assist the mayor in receiving his guests at all public entertainments, a gentleman of good manners and education is always selected for the office. As sword-bearer he receives a yearly salary of 190*l.* For trying and adjusting weights and measures in warehouses and shops he receives small fees, which average a year. Sword Bearer.

A Librarian is appointed to the city library, at a salary of 12*l.* 10*s.* The first foundation of this library was by Robert Redwood, who devised to the corporation, very early in the 17th century, a lodge or house in King-street, on condition of its being converted into a public library. There were afterwards different donations of books, the first of which was by Matthews, Archbishop of York, who gave many books to it "for the use of the aldermen and shopkeepers." Librarian.

About the year 1773 a society was formed, called the Bristol Library Society, to whom the corporation allotted a certain part of the building which had been used for the city library. To this building a new wing was some years afterwards added by the society, containing a library room, which communicated with the library of the corporation. The subscribers to the library have the use of the books which belong to the corporation, and the mayor, sheriffs and chamberlain for the time being have access to the books of the society without being subscribers; but the city library is not open to any other of the citizens except those who subscribe to the society. The same gentleman is librarian of both libraries.

An Organist is appointed by the common council to the chapel in the neighbourhood of the cathedral, called St. Mary's Chapel, or the Mayor's Chapel. He has a salary of 25*l.* Organist of the Mayor's Chapel.

The Collector of Town Dues is appointed annually by the common council. His duties are to receive the town dues on exports and imports. He gives security to the corporation, himself and two sureties, in 600*l.* He accounts for his receipts to a committee of the common council, who audit them monthly; and he pays over the amount to the chamberlain. A poundage of 10 per cent. is allowed him on his gross receipts; and he receives also from the chamberlain 150*l.* annually for the expenses of his office, including a clerk and stationery. Collector of Town Dues.

The Land Steward is appointed annually by the common council. He superintends the country estates, and attends the monthly meetings of the committee of city surveyors, and makes a report as to the state of the property in the country. He has a yearly salary of 180*l.* Land Steward.

The first appointment of an officer called the Haven-master appears to have taken place in 1669. He was then named by the common council, on the recommendation of the society of Merchant Adventurers, with a salary of 20*l.*, payable by that society. The first appointment of a new haven-master is still made in the same way, upon the recommendation of the Merchant Venturers. After the first appointment he is re-appointed annually by the common council, without any second recommendation. A vacancy in the situation is advertised, and testimonials are sent in. The candidate must not be more than 45 years of age. The present haven-master was appointed from seventeen candidates. Haven Master.

The haven-master's duties consist in the superintendence of the port of Bristol, including

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the whole course of the river Avon, from its mouth to the entrance into the Bristol Floating Harbour, and of the Bristol Channel to the eastward of Lundy Island, and below King-road. The licensed pilots are all under his command and control.

Pilots.

By the 47 Geo. 3, sess. 2, c. 33, s. 9, all vessels sailing, navigating or passing up, down or upon the Bristol Channel to the eastward of Lundy Island, except coasting vessels and Irish traders, shall be conducted by pilots licensed by the corporation of Bristol. They are known in the Bristol Channel by the name of the branch pilots. The appointment of them is vested in the corporation, but the society of merchants have for many years exercised, and still exercise, a delegated power from the corporation to examine the persons who apply for the situation of pilot, and to select fit persons from among the candidates. The number of pilots is fixed according to the supposed exigencies of the trade of the Bristol Channel. Individual vacancies are not filled up as they occur; but from time to time, when it is found that there are not pilots enough, the haven-master represents the number necessary to supply the deficiency. Not less than six pilots are made at the same time.

The ports within the limits of the Bristol pilot jurisdiction are Bristol, Newport, Cardiff, Swansea, Ilfracombe and Bridgewater. There are twenty-eight licensed pilots, all of whom cruise from Pill, near the mouth of the Avon, except one, who is stationed at Ilfracombe. The haven-master resides at Shirehampton, which is directly opposite Pill.

Whenever pilots are required, public notice is given at Pill, and applications are made, in the form of petitions, to the Merchant Venturers. There are often as many as fifteen applicants for six vacancies. Out of these the haven-master selects eight or ten for examination, a preference being given to those who have served in foreign-going vessels, or as apprentices to branch pilots. Their age must not exceed 45. Those selected are examined by a committee, consisting of the haven-master and such captains of coasters and other qualified persons as can be induced to take part in it. No fees are paid for this examination. All who pass satisfactorily receive a certificate. The haven-master also certifies whether the applicant is provided with the necessary craft. The recommendation of the Merchant Venturers out of those who have passed is always adopted by the corporation.

Those who have passed and are not appointed stand first for the next batch, provided they are then still within the proper age, and they are not examined again.

There is an annual inspection of the river by a committee of the Merchant Venturers, accompanied by the haven-master; and an examination of the pilots' craft takes place at the same time. When the pilots consider themselves too old for work, they apply to the society of Merchant Venturers to recommend them to the common council for a superannuation allowance.

The men employed under the pilots are chosen by the haven-master, and, as well as the pilots, are under his control. The number allowed to be registered for this employment is 200; it is seldom full. The number now employed is about 160. Each pilot has generally two men, besides a boy, who is usually his apprentice. The pilots pay and maintain their own crew. There are pilots who cruise in the Channel who call themselves deputies, but they have no authority, and may be superseded by a branch pilot. Every pilot who takes a vessel up the Bristol Channel and the river Avon is bound to take his pilotage note to the haven-master for examination and attestation. It is the haven-master's duty to see that the number of men, horses and boats, stated by the pilot to have been used in assisting the vessel up the river, were actually employed and were necessary. There are certain rates allowed for pilotage, and also for the men and horses employed on the river Avon. The amount of pilotage for vessel above 100 tons has been reduced by the present haven-master 25 per cent. within the last nine years that he has held the office. The charge for horses was raised rather more than nine years ago; that for men employed in the river has been raised within that time.

The haven-master receives a salary of 100*l.* a year from the corporation, and of 100*l.* a year from the society of merchants; he has also fees on certifying the amount of the pilots' rates, which are as follows: For every vessel under 100 tons, 1*s.*; for a vessel above 100 tons, 2*s.*; for every vessel of 200 tons and upwards, 3*s.* The greatest amount of these fees of late years was in 1825, when they were about 140*l.*

Combined with the office of haven-master, in the same person, is that of ballast-master, to which he is appointed at the same time, and in a similar manner. In this capacity it is his duty to remove all obstructions in the river; such, for instance, as stones or rubbish thrown overboard by lighters. If vessels require ballast, the ballast-master appoints the situation where they are to take it in.

Water Bailiff.

The Water Bailiff is appointed annually by the common council. His duty consists in the general regulation and management of the shipping in certain parts of the port, which appear, from the schedule of the 28 Geo. 3, c. 65, to be Bristol Back, Redcliff Back, and the banks of the river Avon.

By section 28 of this Act, masters and owners of vessels coming to that part of the harbour which is within the water bailiff's jurisdiction are to lay and moor their vessels in such manner and in such place as he shall direct. To the duty of providing proper berths for the shipping is to be added that of clearing obstructions on the quays, at the Back, &c., and seeing that goods are removed from them in proper time.

The water bailiff receives no salary; he is paid by fees, a table of which is set out in the above-mentioned schedule. The average amount of these fees is 415*l.*, of which 240*l.* arises from the fees on vessels, and 175*l.* on goods. Out of the amount received by him he pays a deputy

deputy and a man employed under him. Speaking strictly, the office of water bailiff appears to be vested, by the charter of Henry 7, in the corporation at large, and the person who exercises the duties of the office is their deputy.

Silver Oar.

The custody of the Silver Oar, with which arrests are made on the water, is incident to the office of water bailiff. It is not considered necessary in the floating harbour or basins, in every part of which the ordinary officers execute process on board vessels without the intervention of the water bailiff; but in the current of the river and in the channel, as far as the limits of the county of the city of Bristol extend, he always accompanies the officer for the execution of process, both civil and criminal. The silver oar is not very frequently called for, usually not more than six times in the course of the year. The fee for going with the oar into any part of the jurisdiction is one guinea, with an additional fee of 6*s.* 8*d.* on the caption. The prisoner is in the custody of the water bailiff till brought on shore.

Quay Warden.

The Quay Warden is appointed in the same way as the water bailiff, and his duties o superintendence are of the same kind, but in a different part of the harbour, that is to say, in the following places: the Key of Bristol, St. Augustine's Back, and the new quay in the parish of Clifton. The 28 Geo. 3, c. 65, which defines the authority, and regulates the fees of the water bailiff, has the same provisions in relation to the quay warden. He is paid according to the table of fees in the Schedule of that Act, and they produce on an average 466 *l.* a year, of which 314 *l.* arise from fees on vessels, and 152 *l.* on goods. He has a deputy, whom he pays himself out of the profits of his office. The average amount of fees received by the water bailiff and quay warden, who together superintend the whole port, thus appears to be 881 *l.*, of which 554 *l.* are levied on vessels, and 327 *l.* on goods.

Corn Measurer.

The Corn Measurer is appointed annually by the common council; he has a deputy and a certain number of sworn meters under him. The business of this establishment is to measure corn, when employed for the purpose by merchants, or to measure foreign corn, which is required by the custom-house to be measured by a sworn meter. It is not, however, compulsory to employ the meters who belong to the corn measurers' office, as there are a few other sworn meters in the city capable of measuring for the custom-house; and in all other cases it is a mere matter of agreement between buyer and seller whether the corn shall be measured or not. There are nine sworn meters belonging to the corn measurers' establishment.

The present charge for measuring is one shilling for every 100 bushels, and in that proportion for smaller quantities. Of this the meter who actually measures the corn receives sixpence, the remainder belongs to the principal corn measurer. The charge for measuring has been reduced to its present amount within the last few years. It used to be considerably higher. It is an office requiring great care and knowledge of the article. If the corn is heated, the measure will be false. The present average of corn measured weekly does not exceed 7,000 bushels. About three years ago, on occasion of a great importation, 50,000 have come in; 16,000 a week would now be considered a thriving trade. The average quantity has much decreased of late years, a great portion of the corn trade having deserted the port of Bristol, and transferred itself to Gloucester, to which place the importation of corn is said to be greater than to Bristol.

Keeper of the Bridewell.

The Keeper of the Bridewell, or House of Correction, is appointed annually by the common council. He receives a salary of 80 *l.* a year from the corporation, and is also entitled under 55 Geo. 3, c. 50, to an annual stipend of 130 *l.*, in lieu of the fees that were abolished by that Act. This is directed by the Act to be paid out of the county rate or public stock, and when there is no county rate, &c. the order for payment is to be made upon the overseers. There being at present no county rate in Bristol, the justices in sessions, soon after the passing of the Act, made an order for payment of the allowance on the incorporated body who have the management of the poor within the city of Bristol. On a refusal to pay in conformity to the order, the treasurer of that corporation was indicted for disobeying it, but the grand jury threw out the bill. The corporation of the poor afterwards filed a bill of discovery in Chancery against the corporation of the city, alleging that the latter possessed funds applicable to the purpose.

The bill was demurred to, and after argument and a decision in the Vice Chancellor's Court was carried by appeal before the Lord Chancellor Eldon. It was heard before Lord Eldon shortly before he went out of office, and his Lordship afterwards stated that he was ready to give judgment in the case, with the consent of the parties.

The corporation of the poor did not press for judgment, and the matter has remained undecided to the present day. The part of the keeper's salary which was the subject of this dispute has been advanced to him nearly to its full extent from time to time by the civic corporation in the way of loan, on his promissory note, without interest. The corporation also pay him 15 *l.* a year for a turnkey and taskmaster. At present the bridewell prisoners are confined in the gaol, until the bridewell, which was destroyed in the riots, shall be rebuilt.

Collector of Exchange Market.

The Collector of the Exchange Market (also elected annually by the common council) receives the rents of the standings in that market. For this he has a commission of 5 *l.* per cent. on his receipts. He gives security to the chamberlain, himself and two sureties in 600 *l.*, and pays over weekly to the chamberlain what he receives.

Clerk of St. James's Market.

The Clerk of St. James's Market is appointed by the common council to collect dues in that market, and receives 5 *l.* per cent. on his collection. He gives security to the amount of 300 *l.*

Bridge Keeper.

The Bridge Keeper is appointed to open and shut the swivel-bridge over the Frome for the passage of vessels to the upper part of the quay. By a bye-law, dated 12th May 1828,

it is opened three times a day, at stated hours, and at other times if the order of a magistrate is obtained for the purpose. The bridge keeper receives 1*s.* for each brig or sloop that passes up and down through the bridge. Vessels above 60 tons pay 2*s.* There is no charge for trows. The bridge keeper also receives 35*l.* a year from the corporation.

Inspectors of Nuisances.

There are two Inspectors of Nuisances, appointed by the common council annually. One of them is for the city, and his duty is to inspect hackney coaches and cars, and to report all nuisances; the other for the rivers Avon and Frome, who reports upon any obstructions or encroachments on the banks of either river. His duty extends from the quay to the Hot Wells.House. The city inspector has a salary of 80*l.* a year. The river inspector 60*l.* a year.

Clerk of the Hay Market.

The Clerk of the Hay Market (appointed in the same way) attends that market, and has a weighing machine there for the purpose of adjusting the weight of hay and straw between buyer and seller. It is not compulsory to employ him, but when employed he receives a small fee on every cart load that he weighs; he has no other emolument.

Serjeants at Mace to the Mayor.

There are four Serjeants at Mace to the Mayor, whose duty it is to attend the mayor, the magistrates, and the courts, and also to act as police officers when required. They have yearly salaries of 42*l.* 13*s.* each from the corporation, and are paid for board wages 16*l.* 5*s.* 6*d.* a year by the mayor. One of the mayor's serjeants is usually crier at the sessions.

Serjeants at Mace to the Sheriffs.

The four Serjeants at Mace to the Sheriffs attend at the justice-room and execute the process of the sheriffs' court, and all process directed to the sheriffs. They also act as police officers. They have a salary of 49*l.* 13*s.* each, besides their fees. Formerly they were boarded by the sheriffs, but their salary now includes their board wages.

Sheriffs' Yeomen.

The four Sheriffs' Yeomen have nearly the same duties to perform as the sheriffs' serjeants. Their salary is 44*l.* 13*s.* each, and they have the fees of such process as they execute.

Exchange Keeper.

The Exchange Keeper is appointed to take charge of the Exchange, which belongs to the corporation. He has an annual salary of 25*l.* 4*s.*

Policemen.

Twelve Policemen, or day constables, have been appointed for the last year or two. They parade the town during the day, and continue on duty till 10 o'clock at night, at which hour the night watch is set. Their pay is 39*l.* a year each, and they have also some allowance for clothing.

Marshals to the Mayor.

The mayor's two Marshals are appointed by the mayor: their principal duty is to attend upon him, and to serve the summonses of the mayor and other magistrates. They are also police officers. Each has 23*l.* 13*s.* 6*d.* a year, and has some clothing provided.

Other inferior Officers.

The other inferior Officers are the mayor's beadle, who has 16*l.* 12*s.* and is maintained by the mayor in the Mansion-house; two sheriff's beadles, whose duty it is to bring the prisoners up from the gaol, and who are each paid 30*l.* a year; a bellman, who has 4*l.* a year; and the wait-players, who precede the judges and the recorder, each 3*l.* 13*s.* 6*d.* a year.

City Surveyors.

Besides the above appointments, the power of nominating City Surveyors is by the 28 Geo. 3, c. 66, s. 19, given to the mayor, aldermen and common council in common council assembled; and by sect. 24 of the same Act, the remuneration to the surveyors is to be fixed by two or more of the justices of the peace for the city of Bristol.

Brokers.

The mayor, aldermen and common council are also, by an Act of the 3 Geo. 2, c. 31, empowered to admit and license such a number of Brokers, and under such regulations for their good behaviour, and as to the fees to be taken by them, as they may think fit and reasonable; and no one is permitted to exercise the trade of a broker in the city of Bristol, or within five miles of it, until so licensed and allowed.

The West India brokers are all licensed by the corporation, and sworn in at the December house, with the officers. The common brokers, who take out an auctioneer's licence, are not licensed by the corporation.

Courts.

5. The Courts held in Bristol are,

The Court of Assize and Nisi Prius.
The Court of Oyer and Terminer and General Gaol Delivery.
The Court of Quarter Sessions.
The Court of the Tolzey.
The Court of Pie Poudre.
The Sheriff's County Court.
The Court of Requests.
The Court of Conscience.

Two other courts, called the Mayor's Court and the Court of the Staple, were formerly held, but are now disused.

The exclusive admiralty jurisdiction which was granted to the city of Bristol by charters of Henry 6 and Edward 4, is now lost.

Assize and Nisi Prius.

The Court of Assize and Nisi Prius for the county of Bristol is usually held immediately after the Somersetshire summer assizes, before the senior judge of assize on the Western Circuit.

cuit. The mayor is in the commission and of the quorum; he sits on the bench during the holding of the court, but does not try causes, or take any part in the proceedings, except in occasionally opening the commission in case the arrival of the judge is delayed; he has also taken verdicts. The proceedings in this court do not differ from those of the like courts in any other county of the kingdom.

Gaol Delivery.

The Court of Oyer and Terminer and general Gaol Delivery is held before the mayor, recorder and one or more of the other aldermen. The time for holding it is not prescribed by the charter, but is generally in April; and in compliance with a representation from the citizens, made eight or ten years ago, it has been usual since then to hold a second gaol delivery in October, if there are any prisoners for this court to try. It may be held at any time, by precept from the justices of gaol delivery to the sheriffs to give notice and summon a jury. The notice is never less than three weeks, more commonly a month. This court has not delivered the gaol since April 1831. Its sittings were interrupted in the autumn of that year by the riots. The judges of the special commission delivered the gaol in January 1832, besides trying the rioters; and there has been no commitment since that time in the city for a capital offence. The business of this court has become less than formerly it used to be. At the gaol delivery the trials are all conducted by the recorder, who charges the jury and pronounces the sentences. The whole gaol is not delivered during the sitting of this court, as in the greater number of cases the prosecutors are bound over to the quarter sessions, but a court of quarter sessions is generally held nearly at the same time, which completes the delivery. The number of prisoners brought for trial during the last three years in which this court sat is given in the accompanying table:

PRISONERS brought for Trial at the Gaol Delivery of *Bristol*, in the Years ending April

	1829.	1830.	1831.
Sentenced to death	9	7	9
Transported for life	0	0	0
Transported for 14 years	3	0	0
Transported for 7 years	2	1	0
Imprisoned 1 to 3 years	2	1	0
Ditto - 6 months to 1 year	1	1	0
Ditto - under 6 months	0	3	0
Prisoners convicted	17	13	9
Acquitted	1	1	2
No Bill found	2	1	2
Prisoners	20	15	13

In these three years there was only one capital sentence of this court put in execution, which was in April 1831. In the last 13 years there have been only three executions.

The following classified list shows the total number of capital punishments (49) within the jurisdiction of the city of Bristol during 90 years, from 1741 to 1831, (not including those executed for the late riots):

Forgery	15	Horse stealing	2
Murder	13	Returning from transportation	1
Housebreaking	6	Shooting at officer	1
Unnatural crimes	5	Sinking a vessel	1
Robbery	4	Military execution	1

The jurisdiction of this court, as of all the other city courts, extending over the whole county of the city, as well by water as by land, takes cognizance of offences committed in the Severn between Kingroad and the Holmes. This was fully investigated in 1740, on occasion of the murder of Sir John Goodere, by his brother, Captain Goodere, who commanded H. M. S. Ruby, then lying at Kingroad, on board of which the murder was committed. The law officers of the Crown at first thought that he must be tried at the Admiralty session, on which a correspondence ensued between Sir Dudley Ryder, then attorney-general, and Sir Michael Foster, then recorder of Bristol, who satisfied the attorney-general that the offence was cognizable by the city magistrates. Accordingly Captain Goodere was tried at the ordinary court of gaol delivery, before the mayor, recorder and alderman; he was convicted, and was afterwards executed.

Quarter Sessions.

The court of Quarter Sessions is held before the mayor or the recorder, with any two or more of the aldermen, or in the absence of the mayor and recorder, before two of the five senior aldermen, with any one or more of the other aldermen. The recorder does not usually attend this court.

The town clerk is not a judge of the court, but acts as assessor to the magistrates, and in

fact tries the prisoners. He charges the jury and pronounces the sentences, after consultation with the magistrates; with this difference, the business is managed as in other courts of county quarter sessions.

The sessions generally last two or three days. If more than two days, it is usual to adjourn the court for a week. This is said to be chiefly for the convenience of the bar.

All cases of felony and of prisoners in custody are gone through before the adjournment. There has been no occasion for adjournment for several sessions last past. Very few appeals are tried at this court. The number of prisoners brought for trial in the last three years is shown in the following table:

PRISONERS brought for Trial at the *Bristol* Quarter Sessions, in the Years ending Midsummer

	1831.	1832.	1833.
Transported for life	2	3	12
Ditto - 14 years	18	18	17
Ditto - 7 years	22	30	38
Imprisoned 1 to 3 years	6	8	5
Ditto - 6 months to 1 year	37	41	39
Ditto - under 6 months	44	48	56
Prisoners convicted	129	148	167
Acquitted	11	26	38
No Bill found	1	2	9
Prisoners	149	186	224

Juries.

The Jury List is made out in obedience to a precept from the justices of the Midsummer quarter sessions to the constables of the different wards of the city, directing them to return the names at the ensuing Michaelmas sessions. The qualification is the same as in other counties. These lists are handed over by the court to the sheriffs. The persons on these lists are summoned by the sheriffs in rotation. The panel for the gaol delivery and quarter sessions and the *Nisi Prius* juries are all taken from the same general list. The grand jury of the general gaol delivery is generally selected from the bankers, merchants and principal inhabitants. The grand jury of the quarter sessions from the principal tradesmen, and occasionally merchants. The mayor nominates the foreman of the grand juries, both of the gaol delivery and quarter sessions. The members of the common council are never summoned to serve but on special juries. The grand jury of the gaol delivery pay among them a fee of 1*l.* 1*s.* to the bailiff errant, who summons and attends them, and 1*l.* 1*s.* to the hall-keeper. The grand jury of each quarter sessions pay 1*l.* 1*s.* to the bailiff errant, and 5*s.* to the hall-keeper. These fees were so settled by order of the justices in 1795. The payment of these fees has excited some dissatisfaction, and a disposition has been occasionally shown to resist the payment of them. The bailiff errant also receives 1*s.* from every witness who goes before the grand jury; this is paid by the prosecutor, and is divided between the bailiff and the crier of the court.

Bedminster Jurymen.

The inhabitants of that part of Bedminster which is within the jurisdiction of the Dock Act, being about 5,000 in number, evade serving on juries altogether. They are never included in the lists of the sheriffs of Bristol, because, having been only recently added to the county of Bristol, they are not considered as within any of the wards, according to which the lists are made out. They are included in the returns to the sheriff of Somersetshire, but on application are always discharged, as being within the county of Bristol. The same anomaly probably occurs with respect to that part of Clifton which is in the county of Bristol.

Prosecutors' Expenses.

There is no fund from which any of the Prosecutors' Expenses are paid, the question of a county rate being in dispute between the justices of the corporation and the citizens. A county treasurer has been appointed, and on application, the court has expressed itself ready to make an order upon him for payment of the expenses, accompanying that intimation with a notice that there is at present no fund from which the order can be complied with. This subject will be discussed more fully in another part of the Report.

Court of the Tolzey.

The Court of the Tolzey, or as it is commonly called, the Sheriff's Court, in Bristol, derives its name from the place in which it used to be held, where the tolls collected in the town were formerly paid. It is a court of record for all actions to an unlimited amount; of debt, assumpsit, covenant, trespass, trover and other personal actions within the liberties of the city. It also tries actions of ejectment. Causes under 40*s.* are triable there, but no costs are allowed if the debt could have been recovered in the court of conscience.

This court appears to have been held originally before the bailiffs of the hundred. The present prothonotary supposes that, in process of time, when Bristol became a royal residence, that court became united with that of the steward of the household. The charter of Edward 3, by which Bristol first became a county, in giving a general conusance of pleas and the profits of the

the courts to the mayor and sheriff, makes a special reservation in these words: "Saving always, that the pleas which were accustomed to be taken in our court in the said town of Bristol, called the court of the tolzey, before our steward and other our officers (*coram senescallo et aliis ministris nostris*), in that place, shall for the future be held in the same place before the steward and other the officers of us and our heirs, in the same place," &c. The profits of the tolzey court accordingly continued to accrue to the Crown as part of the profits of the town, and were accounted for, whenever the town was in the King's hands, by the mayor, as escheator, and not by the sheriff, who had no concern with it.

Richard 2 granted that the steward of the household should not sit or exercise his office in the town, from which time, at all events, the old jurisdiction of the court must have devolved again upon the bailiffs solely. If there is no other evidence of this supposed union of the hundred court with the court of the steward of the household than the manner in which it is mentioned in Edward's charter (and none other has been produced to us), it appears to us more probable that the steward spoken of there was only another name for the bailiff, as in fact the bailiff actually bore that title until 60 years before the granting of this charter. On either supposition, there is no ground for believing that after the charter of Richard 2, the court of the tolsey was held before any but the bailiffs.

By Edward the 4th's grant to the corporation of the reversion of the town, the bailiffs became permanent corporate officers, and the tolzey court was annexed to the corporate jurisdiction by a grant that the mayor and sheriff for the time being should hold all manner of pleas in the King's Court in the Guildhall, by bill and plaint, before the mayor and sheriff in that court to be levied and appointed.

It appears from an entry in the Great Red-book, fol. 98, d. that immediately upon obtaining this grant, the mayor and sheriff took this court on themselves jointly with the bailiffs; but the mayor has long ceased to interfere with it.

When the charter of Henry 7 for the first time united the offices of bailiff and sheriff the court gradually came to be called in popular parlance by the name of their superior dignity, but the legal style of the court remains unaltered, and the sheriffs are described in it as being "as well bailiffs of the mayor and commonalty, as sheriffs of the county of the city of Bristol." An officer has been attached to this court, at least since the time of Henry 6, and probably earlier, as assessor, who now has the title of steward of the sheriff's court. By charter, he must be a barrister of three years' standing. The identity of this name of steward with that of the officer before whom the court was formerly held, has occasionally given rise to the erroneous idea that the steward is now a judge of the court. As far back as any trace can be found of this functionary, he appears to have always occupied the same station with respect to the court of the tolzey that the town clerk filled in the now obsolete mayor's court; the bye-law by which it was first provided that they should be barristers passed on the same day; the fees in each court accrued in their respective names; and the principal clerk of each was sworn in as the prothonotary of each court respectively. The steward now practically presides and tries all the causes in the tolzey court; a sheriff is always present, but does not interfere, or so rarely, as not to deserve notice; but all the processes are tested in the name of the sheriff, except a rule for particulars of demand, which is in the name of the steward.

The nominal court days are Mondays, Wednesdays and Fridays; but the court sits only on Mondays, one Monday for rules and motions, the following Monday for trials. Affidavits are sworn either in court, or before the prothonotary, or any one of the clerks in his office, but must be taken in Bristol. It has been held lately by the court that service of the writ out of the city is good service. After service of the writ no notice is given by either party to the other of any proceedings in the cause. These are entered as they occur in a book called the Rule-book, to which the attornies of the court have access, for the purpose of searching whether any rule has been obtained, or any step taken in the cause.

An action may be brought to trial in this court, if both parties are anxious to bring it on, in a fortnight from the day on which the writ is tested.

The cause must be entered four clear days before the day of trial. In every case plaintiff is entitled to judgment *nisi* on the same day on which he files his declaration, if filed before nine o'clock in the morning, otherwise on the next court-day. There must be four defaults after the rule *nisi* before judgment absolute.

After judgment by default, four days' notice must be given to execute a writ of inquiry. The writ of inquiry is executed before the steward.

Bail is taken before the prothonotary or his clerk, in the office. There is no notice to plaintiff's attorney, nor any justification of bail; but if the plaintiff is dissatisfied he obtains a rule entitled a rule for caution, and until caution is given the proceedings must be stayed. This is after the defendant is enlarged on his bail. The caution is liable for the debt and costs. The rule is entered short into the book, thus: "A. *v.* B. Rule for caution." The defendant's attorney usually becomes caution; if any other person becomes so, he enters into a recognizance. No question appears to have been raised on whom the liability attaches, if any, of enlarging the defendant on insufficient bail. According to the present practice, it seems to depend entirely on the vigilance of the prothonotary or his clerk whether or not this should happen. Rules for caution are said not to be common.

A defendant taken on bailable process may enter his plea without attorney whilst still in custody, and may give a peremptory rule to declare in 48 hours, or he will be discharged on *supersedeas*. There is no service of any rule on the plaintiff or defendant; so that in every action the attornies must inspect the rule-book continually. No fee is charged by the prothonotary.

thonotary, or allowed to the attorney, for these searches. The entries in the book are of the shortest possible description; as, for instance,

Ellamy *v.* Rankin. Defendant's plea of not guilty.
Edwards *v.* Millar. Judgment, unless a plea.
Edwards *v.* Millar. Judgment absolute.

At the conclusion of the suit an entry of it in the same short form is made in another book, called the issue book. This entry in the form, "A. *v.* B., judgment absolute for £. 100." has been produced and allowed, in a superior court, as proof of a judgment recovered in this court. In case of a removal by *habeas* or *certiorari* a regular record is compiled by the prothonotary from the rule-book, and from the pleadings which are filed in his office. The processes are generally executed by the sheriffs' serjeants. The gaol of the court is the common city gaol, where the debtors are in custody of the sheriffs. The common action in this court is debt for goods sold and delivered; the form of a common declaration is *concessit solvere*, as in the Lord Mayor's Court in London, which the Tolzey Court much resembles.

Foreign Attachment.

Foreign Attachment issues for any sum above 40*s.*; but if under 20*l.*, defendant may dissolve the attachment by entering a common appearance. There is no distinction in the proceedings by attachment between freemen and non-freemen. A levy is made, and a return, with the schedule of the goods attached; thereon a *scire facias* issues. The plaintiff's attorney comes into court, and swears that he is informed the debt is of such an amount. It is remarkable, that in this court it is never the party himself who swears to the debt, but always the attorney. Two compurgators, generally officers of the court, are then sworn to their belief of the statement, and judgment is had thereupon, and a warrant of appraisement. The goods are then appraised and sold in eight days. On paying over the money to the plaintiff, a recognizance is taken from two sureties that he will restore it if the defendant should appear within a year and a day, and avoid the attachment. Appearance by the defendant, at any stage of the proceedings, turns the attachment into a bailable action.

This mode of procedure is very much resorted to, and is made especially available for recovering debts from strangers, as any goods may be attached within the liberties of the city, whether the defendant is within the city or not; and the garnishee can only avoid the attachment, on proof of the ownership by the plaintiff, by proving a lien on the goods in his possession. A ship has been attached at the Holmes, on the very verge of the county, and 20 miles from the town of Bristol; but on that occasion the captain carried the officer of the court with him to Jamaica. On his return the contempt was compromised.

There are no costs on attachment. In other cases the costs are taxed by the prothonotary, but the attorney does not attend the taxation. There are but 14 or 15 attornies who practise in this court. They are admitted and sworn for all the city courts. They must be burgesses, and may be struck off the roll by the corporation for misconduct.

The causes actually tried in the tolzey court were, in the years

1826.	1827.	1828.	1829.	1830.	1831.	1832.	TOTAL of Seven Years.
14	13	9	15	28	20	25	124

Court of Pie Poudre.

The Court of Pie Poudre is now held as a branch of the tolzey court; and the proceedings in it are exactly of the same nature, with this difference, that the defendant must plead *instanter*. The tolzey court is suspended during 14 days annually, for the purpose of holding the court of pie poudre. This court is held in the open street. It is nominally opened twice a day during the fortnight, but the only sitting days are the first and last. This year about 80 processes were issued. On the last sitting day judgment is signed, and execution issues. The debts sued for in this court are generally paid. Only one trial is remembered during more than 30 years. By the custom actions commenced in the pie poudre court may be continued in the court of the tolzey, but not *vice versâ*. Both in the tolzey court and court of pie poudre the jury are summoned from the inhabitants of the city at large, by a panel struck by the prothonotary. The sheriff's jury list is not made use of. Common councilmen have occasionally sat on special juries in the tolzey court. These are very rare. There is no compilation of the practice of these courts, which appears to depend chiefly on oral tradition. There have not been more than three or four writs of error during the last 40 years. Causes are often removed by *habeas* from the tolzey court; but that is generally resorted to merely for the purpose of delay, and they mostly come back by *procedendo*.

Barristers practise in the tolzey court, but do not attend on rule days unless for special motions.

The fees of court have remained unaltered since the time of Elizabeth.

In the Act establishing the court of requests, a power is reserved to the defendant of removing the cause into the tolzey court on depositing 5*l.* with the prothonotary. Notice of removal is served on the plaintiff, and if he does not proceed with the action within a month, the 5*l.* is repaid to the defendant, for which the prothonotary takes the defendant's receipt and files it, with a copy of the notice of removal. It does not appear that a removal of this

kind,

kind, in which trial is not afterwards had, is any bar to commencing a fresh suit in the court of requests. This removal is very little resorted to, and scarcely one is remembered in which the plaintiff has followed the cause after removal.

Mayor's Court, and Court of Staple.

It is presumed, that the Mayor's Court, now totally disused, must have been probably analogous to the London Lord Mayor's Court, as the constitution of the city of Bristol appears to have been formed in the first instance in great measure after the model of that of London. All trace of it, as well as of the ancient Court of the Staple, is now gone, except in occasional entries in the old council books; from some of which it seems that a contest for jurisdiction was carried on for some time between the mayor's court and the court of the Tolzey, in which the latter appears finally to have prevailed. Some of these entries are subjoined.

Among the ordinances for the town clerk and steward of the tolzey court, 28 Hen. 6, contained in the Great Red-book, fol. 12, 13, the following one occurs:

"Item, the said mayor and council have ordained, that the said clerk, ne non of his successors in the said office, shall not take none actions afore the said mayor and shreeves, saf only actions of trespass and deceit; and afore the said mayor and his successors, as mare of the estaple within the said town, and the constables, actions of debt, as he hath bin of old times used; and all other actions to be referred to the court of tols within the said town." It must be remembered, that at the time of this ordinance the tolzey court did not belong to the corporation, and the limits of jurisdiction of the several courts were therefore likely to be well ascertained.

Again; among the ordinances of 2 Edward 4, immediately after the grant of the tolzey court with the reversion of the town: (Great Red Book, f. 98, d.)

"Item, it is ordained that from this day forth all manner actions of debt, detenue, covenant and account be taken, pledde and determined in the court of the tols of our Sovereign Lord the King in this his town of Bristol, afore the mayor, sheriff and bailiffs of the said town of Bristol for the time being, always and except all such actions of debt and other actions that of old time have been used and accustomed to be taken in the court of the estaple, before the mayor and the constables of the staple for the time being, that they be not (for harryd?) but taken in the said court, pledde and determined as of old time it hath been used:

"Item, that all manner actions of trespasses, and actions of trespasses and deceit, and actions upon the cays, and grounded upon any statute or statutes, be taken, pledde and determined before the mayor and sheriff for the time being, and in none other court, nor jugge or jugges within the town of Bristol."

Another entry of the same kind is in the council-book, 13 January 1598:

"Whereas heretofore there hath been difference and controversy between the town clerk and steward in this city, and their clerks and other officers belonging to the courts in the Guildhall of Bristol, concerning the taking and holding plea of actions of covenant without writing or specialty in the tolzey court, contrary to the common law; part of which actions of covenant, without writing or specialty, are mere actions of the case upon assumpsit, which by the ancient charters and divers orders of the city ought to be taken and determined in the court holden before the mayor and aldermen, the jurisdiction of which court hath not only been diminished by taking and holding plea of such actions of the case in the sheriff's court, under colour of actions of covenant, &c., it is therefore this day ordered and decreed, that from henceforth all actions of the case upon assumpsit shall be taken and determined before the mayor and aldermen of the said city in the Guildhall for the time being, and not otherwise; and that the sheriffs and bailiffs for the time being, at any time hereafter, shall not hold plea of any action of covenant without specialty. And that the steward or his clerk shall not at any time hereafter willingly take or suffer any such action of covenant without writing or specialty to proceed or be determined in the tolzey court, on penalty of 20*s.* to the chamberlain, to the use of the commonalty."

There is a case in 1 Leonard 2, Wade *v.* Bemboe, in which "Bemboe declared of a covenant made by word in the city of Bristol by the testator of Wade with Bemboe, and declared also, that within the city of Bristol there is such a custom that, *conventio ore tenus facta*, shall bind the covenantor as strongly as if it were made by writing. But *per curiam*, that custom does not warrant this action, for the covenant binds by custom the covenantor, but doth not extend to his executors, and a custom shall be taken strictly, and the judgment was reversed."—Law of Corporations, 1702, p. 286.

This custom is not now known in the tolzey court, but it is obviously the same device of which the town clerk complained in 1598, and possibly this may be the real origin of the common count in the tolsey court, *concessit solvere*, by which actions on the case are now declared.

We have not traced the disputes between the courts in later times, but possibly there may be similar entries in other years which we have not observed. At all events, the tolzey court has at last succeeded in drawing to itself all the business from the other two courts, which accordingly have become altogether dormant.

Court of Requests.

The Court of Requests for Bristol and the neighbourhood is held under 56 Geo. 3, c. 76. The jurisdiction extends over the whole of the city, the parishes of Clifton and Bedminster, the tything of Stoke Bishop in the parish of Westbury, and the out-parishes of St. James and St. Paul, St. Philip and Jacob. The commissioners are the mayor, aldermen and com-

mon councilmen, and such and so many other commissioners, being householders within the jurisdiction, and possessed of a real estate of the annual value of 100 *l.*, or personal estate of the value of 3,000 *l.*, as the mayor, aldermen and common councilmen shall annually appoint. The common council also appoint an assessor to the court, who must be a barrister of six years' standing. He may be removed by the Lord Chancellor, on petition from any five commissioners.

The clerk, criers, serjeants and other officers are all annually appointed by the common council. The present clerk of this court is the deputy clerk of the peace.

The court sits every Tuesday; it is held before not less than five commissioners, one of whom at least must be a member of the common council, besides the assessor or his sufficient substitute, power to appoint whom on any particular occasion is given to the assessor, subject to the approval of the chairman.

The mayor, or in his absence the senior alderman or common councilman present, is directed by the Act to take the chair.

The power of the court originally extended to sums "exceeding two pounds, and not amounting to any sum for which an arrest or mesne process might by law take place." Other provisions of the Act are extended in express words to the sum of 15 *l.* only, which was the limit of arrests on mesne process when this Act was obtained, and consequently this court has never assumed the power of trying actions for sums above 15 *l.*

Before a summons is issued, the plaintiff is required to deposit with the clerk of the court,

For a debt not exceeding	£. 5,	the sum of	£. 1 – –
—	10,	—	1 10 –
—	15,	—	2 – –

by way of security for costs to the defendant, in case of plaintiff's failing to prosecute or establish his claim. No advocates are allowed except in case of bodily infirmities or mental derangement.

The processes issued in the last three years were,

1830.	1831.	1832.	AVERAGE.
1,443	1,359	1,374	1,392

From 20 to 25 causes are actually tried on an average every week.

The power of imprisonment by the court is not more than

———	60 Days.	80 Days.	100 Days.
	£. s. d.	£. s. d.	£. s. d.
When the debt does not exceed	5 – –	10 – –	15 – –

The prison to which debtors are committed from this court is the common city gaol.

The fees to the barrister, clerk and officers of the court are fixed by a schedule in the Act, of which a copy is sent with this Report.

The ordinary amount of the fees in a suit which proceeds to trial are:

Under	£. 5	-	-	-	-	-	£.	–	10	8
	10	-	-	-	-	-	-	–	16	6
	15	-	-	-	-	-	-	1	3	–

If the defendant does not appear on the first summons, an order *nisi* issues, which is made absolute at the next sitting. An extra fee is charged for that order.

The justices of the city in quarter session have power to reduce the fees at pleasure, but no reduction has been applied for or made. The power of removal into the tolzey court has been mentioned: that clause is said to have been introduced to satisfy the steward of the tolzey court, who opposed the Bill for establishing this court.

The commissioners frequently order payment to be made by instalments; and these payments are generally made through the clerk, except where the instalment is less than 2*s.* 6*d.* a week, in which case it is ordered to be made to the party himself. The clerk is obliged to keep separate accounts of the causes in which payments are made through his office; and as these accounts are numerous and frequently of long standing, there is always a floating balance in his hands of several hundred pounds. The sums which have been so long since received as to be considered unclaimed balances, amount at the present time to about 200 *l.*, notwithstanding the pains taken by circular letters and other means to ascertain the parties who are entitled to them. The total amount of balances of all kinds now remaining with the clerk is about 700 *l.*

The

The Court of Conscience is held under 1 Will. & Mary, for the recovery of all debts under 40 *s.*, before three of the common council, of whom the mayor must be one; the other two are generally the sheriffs. The common council appoint a registrar, who names a deputy, subject to their approval. The number of causes for trial in every week is from 150 to 200. During the last year the average number of fresh summonses issued in each week has been from 110 to 120; the rest are postponed cases or attachments. If the party does not appear on the first summons, the case is postponed to the next court day; and if defendant does not then appear, plaintiff is sworn to his debt, and an attachment issues. According to the present practice, no proof of the summons is given, because in case of omission the officer of the court is expected to state that it was not served. Court of Conscience.

In cases where application has been subsequently made to set aside the judgment for want of service of the summons, execution is stayed. That is done on application to the registrar's office, without the interference of the court. A fresh summons is then issued. Such cases are exceedingly rare. Applications to stay execution are often made when there has been no omission. The beadle is examined, whose duty it is to serve the summons; and it appears to be altogether in the power of the registrar, or his deputy, to determine whether or not execution shall be stayed. A memorandum of stay of execution, when it occurs, is entered in the execution-book on his sole responsibility. This course may be convenient, but appears irregular. In every case in which execution has been stayed, the case is brought anew before the court for trial.

The Fees allowed by the Act are:	£.	*s.*	*d.*
For every plaint	–	–	2
For every order	–	–	4
Precept or warrant to commit to prison	–	–	6
For every search	–	–	2
Satisfaction acknowledged on the order	–	–	4
Warrant for levying the debt	–	–	6
To the beadle, for warning every person	–	–	4
For serving every precept or warrant	–	–	4

The Fees actually taken are:	£.	*s.*	*d.*
For a summons	–	1	6
For attachment, if defendant does not appear	–	1	–
Precept for execution on person or goods	–	2	–
Poundage on every 1*l.*	–	1	–

The poundage is paid by the plaintiff, the other fees by the defendant.

The explanation given to us of the departure from the old scale of fees is, that they were settled in their present form by two of the aldermen more than 30 years ago, who took an estimate of the number of plaints, orders, precepts and satisfactions that were chargeable on the old plan, and settled the present scale accordingly. A complaint was heard recently before the commissioners with respect to the alteration: they refused to interfere. Complaints with respect to the fees are said to be very rare. The poundage is said to be a charge introduced to cover duties not contemplated in the Act, which gives no special power to order the debts to be paid by instalments. The general practice is now to make an order for payment by weekly instalments. These are received by the court, and paid over to the plaintiff when the whole debt has been recovered. Two shillings in the pound is said to be an ordinary charge for collecting debts in Bristol unconnected with the court. There are more than 800 accounts of this kind open at once. The poundage is deducted before the money is paid over to the plaintiff. If he requires the money to be paid to him before the whole debt is received, the account is closed, the poundage is charged on what has been recovered, and he receives the remainder himself. It is considered in practice now that a plaintiff cannot demand from the court, as of right, a judgment for payment in full at one time. Great latitude is given to the commissioners by the Act. They are enjoined merely to make such order as they shall find to stand with equity and good conscience in a summary way, not tying themselves to the exact forms and methods of the common law.

The balance in the hands of the registrar varies from 300*l.* to 500*l.* No security is given by him to the court. It is estimated by the deputy registrar that full 90 per cent. of the debts claimed are recovered from the debtors. The average amount of debts sued for is about 25*s.*

An exclusive Admiralty Jurisdiction has been mentioned to have been granted to the city of Bristol, by charters of Henry 6 & Edward 4. Admiralty Court.

The corporation possess, among their muniments, a commission of admiralty, according to the grant in the charters, dated 16 July, 1 Edward 6, directed to the mayor, recorder and 16 burgesses.

Among the records of the corporation are also two papers of the date about 1552, as appears from a date in the body of one of them, intituled, "Articles concerning the Admiralty." One of them consists of 22 articles, which were apparently submitted for the finding of a jury or inquisition, from which the extensive nature of this jurisdiction, as it formerly existed, may be easily gathered.

Inquiry is made therein, not only of thefts, frays, piracies, murders, misprisions of treason, and other offences "upon the sea, or else river, creek or haven within the compass and circuit of the jurisdiction of this admiralty," but of obstructions on the river by mill, &c., or by throwing ballast, &c. into it; of fraud of the King's custom, forestalling and regrating in the haven;

haven; false weights and measures, wreck, royal fish, &c.; and lastly, of the number of ships within the haven and jurisdiction, and the owners of them.

The second paper contains the finding of the inquest. To 17 of the articles they return that they can say nothing, but make answer to the others. A copy of these papers is sent with this Report.

In or about the year 1590 are several mandates among the corporation papers, issuing out of the Prize Court of the Admiralty to the city of Bristol, one of which, dated 26th of September 1590, is directed, among others, to Thomas Parker, "Deputy of the Vice-admiral in the county of Somerset and city of Bristol," requiring the restoration of a certain vessel which had been seized.

About this period there appear to have been disputes between the High Court of Admiralty and the corporation of Bristol, which terminated in the execution of a very singular instrument. It purports to be an agreement indented between the Right honourable Charles Lord Howard, Baron of Effingham, Lord High Admiral of England, &c., of the one part, and the mayor and commonalty of the city of Bristol of the other part.

The articles of agreement are, in substance, "That the mayor and commonalty shall thenceforward have and enjoy their admiral franchise, according to the charter of Edward 4, without impeachment or intermeddling of the said Lord Admiral, or any of his lieutenants, deputies, judges or officers. That commissions shall issue to them, according to the charter, to hear and determine admiral causes, and exercise admiral jurisdictions, and hold plea of all marine contracts, quarrels, debts and matters, both of office and instance, and to take the profits of the fines and forfeitures. That commissions under the Great Seal shall issue to the Lord Admiral, his deputy, the judge of the Admiralty Court, the mayor and recorder of the city for the time being, and the judge of the admiral causes, with others therein to be named, whereof the mayor, recorder and admiral judge, or one of them, to be of the quorum, for hearing and determining all offences comprised in the statute 28 Henry 8, against pirates and robbers on the sea, the forfeitures of such offenders to belong to the Lord High Admiral, and to be estreated by his officers."

The mayor and commonalty, on the other hand, agree to aid and assist the Lord Admiral and his officers "in all lawful staying of ships and land, pressing of men for the great and royal voyages and special service of the realm."

It was probably in furtherance of this agreement that a confirmation of the Admiralty charter was obtained on the 12th July, 2 James 1; and a second Admiralty commission issued in the following year, directed to the mayor and recorder for the time being, Francis James, doctor of laws, and judge of the Admiralty Court of Bristol, the other 11 aldermen and 19 other gentlemen, (*generosis*) with power to any two or more, of whom the mayor or recorder, Francis James, or one of 18 others therein named, was to be one, to do, within the city of Bristol, whatsoever pertained to the office of Admiral of England. In 1611, by order of common council, it was agreed that the Admiral Court should be holden as the mayor and aldermen should think fit. In 1620 it was ordered that the two commissions for the Admiralty of Bristol should be delivered to their representatives in Parliament, with instructions to have them renewed. Nothing was then done; and it seems that soon afterwards this exclusive jurisdiction was again brought into question; for in January 1628 it was again ordered in council, that their admiral jurisdiction should be thenceforward maintained, and a new commission obtained, and that all writs to the city from the Lord High Admiral, for arresting ships or persons within the city, should be withstood, and not executed.

On the 9th April 1633, the town clerk and an alderman were sent to London, to confer with the recorder touching the charters of the Admiralty and the authority of the city therein; and in September following the town clerk was again directed to advise with the recorder on the subject, "and thereupon to treat with Mr. Attorney-general touching the *quo warranto* brought by him for claiming the said power against the Lord Admiral," and to endeavour to procure a new commission, "as far forth as may be, according to the agreement heretofore made betwixt the most noble Charles, Earl of Nottingham, Lord High Admiral of England, and the mayor and commonalty of this city."

This negotiation seems to have been protracted for a considerable time, though it ultimately failed; for on the 22d November 1637 it was agreed on, "That the resignation of the exclusive power of admiral jurisdiction, which was read to the House, the same being sent down by Mr. Dyer and Mr. Chamberlain, should be sealed by the citie, and sent away speedily."

This deed of surrender must have been executed according to this resolution; for in 1643 a commission was directed to Dr. Gilbert Jones, doctor of laws, for holding Admiral Courts in Bristol and Somersetshire, saving a right of appeal to the High Court of Admiralty.

The corporation also possess some loose memorandums of Admiralty orders and rules of court, dated about the year 1639; but we are not aware of any record of their jurisdiction, either exclusive or deputed, later than Dr. Jones's commission. No allusion is made to it in the correspondence of Sir Michael Foster with the Attorney-general on Sir John Goodere's murder.

GAOL. 6. All the expenses of the city Gaol, and of the prisoners in it, are defrayed out of the corporate fund. The sheriffs are the superintendents of it, and, by an Act of the 56 Geo. 3, which will be more particularly mentioned hereafter, have the appointment of the governor and other officers of the gaol. They give a deputation to the governor to act for them in the management of the prison, and take security from himself and two sureties for 500*l.*

The

The governor of the gaol is paid a Salary of 500 *l.* a year by the chamber; it was fixed at that amount when the fees on the discharge of felons were abolished. He is also allowed 5 *l.* for every convict removed to the hulks or to the port where they are to embark, which includes all the expenses of their removal. Out of his salary he pays two turnkeys, and a night watchman in the prison. The corporation pay the chaplain of the gaol 70 *l.* a year; surgeon of the gaol, 63 *l.* a year; task-master, 1 *l.* a week; matron, 20 *l.* a year; and a day patrol, 18 *s.* a week. Since the riots two assistants have been appointed, who receive about 100 *l.* per annum from the chamber. Salaries, &c.

Each prisoner on the felon's side is allowed one pound and a half of bread a day, and a quart of soup on five days in the week. There is no fund from which a regular allowance can be made to debtors; poor debtors are supported either by their friends or by their parish; if their parish cannot be discovered, and the gaoler finds that they are really in want, he is empowered to give them the ordinary gaol allowance of the felons. The number of debtors from the superior courts, the court of the tolsey, court of requests and court of conscience, is very considerable; those from the court of conscience forming by far the largest proportion of the whole number confined, and, next to it, those from the court of requests. For some short time before the arrival of the commissioners of insolvent debtors the prison is occasionally so crowded, that the poorer debtors have very insufficient accommodation. By an order of the magistrates, the governor is not permitted to allow any debtor to reside in his house, which is in the centre of the building; but one ward is appropriated to those who are willing to pay for better accommodation. Maintenance of Prisoners.

The infirmary ward is also occasionally used for debtors of a superior class to those ordinarily within the walls.

The principal difference between the two common wards appears to be, that the cells of the better side have boarded floors, that it is less crowded, and that its inmates are entirely separated from the lowest class of debtors.

We understand that 3 *s.* 6 *d.* a week is the charge for being put in the better ward. There are two day-rooms in each of the debtor's wards. On the lower side a classification is made by the prisoners themselves, by which one room is appropriated exclusively to the better sort on that side. The test is, whether the imprisonment is such as to entitle the party to the benefit of the Insolvent Act. We visited the prison just before the arrival of the commissioners, and that room was exceedingly crowded. Two debtors were sleeping in many of the cells, and as there is not an extra supply of bedsteads, the second inmate of each had his mattress placed on the stone floor, which was much complained of. At the same time, cells in the other ward were unoccupied.

Neither of the debtors' wards are so clean and well kept as those of the felons, as the same discipline cannot be enforced amongst them. The families of debtors are permitted to visit them in their rooms on three days in the week; strangers are never admitted within the railings of the yard.

The average number of persons discharged under the Insolvent Debtor's Act at each of the three sittings of the commissioners which take place in Bristol every year is about 20. The gaoler receives the fees allowed by the general Act for taking up insolvents: 1 *s.* 6 *d.* for taking him before the court, and 3 *s.* 6 *d.* for a copy of the warrant of commitment. There is a present inconvenience felt from prisoners being now sent to the gaol who are under sentences upon summary convictions, the city bridewell, which was burned down in the riots of 1831, not being yet rebuilt. The inconvenience is the greater, as there are no adequate means of providing work for those who are sentenced to hard labour, the only tread-mill in the gaol being that which is employed for the punishment of the felons.

The Number of Prisoners in the gaol on the 22d October (a week after the sessions) was— Number of Prisoners.

	Males.	Females.
Debtors	69	3
On charge	5	0
Convicts (for transportation)	10	2
On time	64	15
Deserters	2	0
Summary convictions	15	0
	165	20

The annual number of convicts (for transportation or the hulks) varies from 30 to 40. The greatest number of prisoners in custody at any one time was 242, immediately after the riots of 1831; the least number since the appointment of the present gaoler, who has held the situation since 1795, was 121. Of the 242, 103 were for examination. Most of the felons who were released when the prison was broken were retaken; many returned voluntarily.

The present Gaol was built in 1816–20, under the provisions of 56 Geo. 3, c. 59. A prior Act for building and regulating a new gaol in Bristol had been obtained in 1792, but its powers were allowed to expire before any thing was done under it, in consequence of disputes that arose in the city occasioned by some of its provisions. Gaol Act of 1792.

We received no precise information as to the grounds or extent of the differences to which this Act gave rise; but if some of its enactments are considered, and if it is recollected that

the corporation have always hitherto borne the expense of the gaol and bridewell, and that the imposition of a county rate has been always a subject of violent contention between the corporation and the citizens, it is not difficult to understand why opposition should have sprung up against putting the Act in execution.

It began by reciting, that the city gaol was vested in, and was the property of the corporation, and that they were willing that the materials should be sold, and the money applied to the purposes of that Act, although by the 1 Will. & Mary, (passed 25th July 1689,) under which that old gaol was built, the money for building it was to be levied by a general rate upon all the citizens and inhabitants of Bristol.

It also recited, that the corporation (besides giving the old gaol, with the materials and part of the site of it, to be sold) were willing to contribute 150*l.* a year to the purposes of the Act, and the remaining sums wanted were to be levied by a general rate upon all lands and buildings within the city. The monies raised by these different means were to be applied, among other purposes, to the maintaining and repairing of the gaol, and for discharging all salaries and other charges directed by this Act, or by any of the Acts thereby referred to respecting county rates and stocks.

The sheriffs were to appoint the gaoler and other officers for the gaol. The common council to appoint the task-masters and other officers of the house of correction and penitentiary. The common council to settle all their salaries; to appoint five visitors from among themselves; to appoint a chaplain; to appoint a physician, surgeon or apothecary, and to settle the salary or compensation to be paid to them.

The same Act also gave special power to the justices of the city to order the expenses of prosecutors and witnesses, in all cases of felony, to be paid out of the fund raised under it; and the expenses of maintaining the prisoners, of removing convicts, &c. were to be defrayed in the same manner. The corporation was for ever discharged from all expenses of the new gaol, penitentiary and house of correction, beyond the sum of 150*l.* a year; and the monies raised were to be considered to all purposes as a county stock.

These are points which the corporation have been desirous of carrying from that time to the present, and it is a remarkable circumstance that after obtaining this Act they did not venture to take any steps in the execution of it. The old gaol, universally allowed to be exceedingly defective in every respect, remained unaltered until 1816. The Act 32 Geo. 3, was then repealed by 56 Geo. 3, which recites, that the former Act had not been carried into execution, and which empowered certain commissioners, being the mayor and aldermen, five members of the common council to be nominated by that body, and three persons, not members of the common council, appointed on behalf of the inhabitants, to purchase land and build a new gaol; the building funds, not exceeding 60,000*l.*, to be raised by a rate upon all real property in the city.

Gaol Act of 1816.

The new gaol was completed in about four years. The Act provides that it is to be kept in repair, and all charges attending it are to be borne by the corporation, except in case of its being destroyed by the King's enemies, popular commotions, fire, inundation or other inevitable accident.

Visitors.

It was originally intended that the Visitors of the gaol should be members of the common council only; but this was objected to on the part of the citizens, and after the bill was introduced, an addition was made to the visitors' clause, directing that five persons should be appointed, not of the common council, and that one of these five should be a clergyman, and one a doctor of medicine. Visitors were for several years appointed in pursuance of this enactment; but the two classes of visitors acted without communication with each other; and the corporation visitors made separate minutes in a visitors' book of their own, which was not accessible to the city visitors. One of the city visitors stated to us that he always found the prisoners well taken care of and kindly treated.

On the passing of the General Gaol Act, 4 Geo. 4, c. 64, visitors were appointed exclusively under it, as its provisions were deemed to have superseded those contained in the local Act. The present visitors of the gaol, therefore, are two of the magistrates, annually appointed for that purpose by the justices in sessions. They visit the gaol at various intervals, and on these occasions generally go through the wards and see all the prisoners. During the present year the gaol has been visited 12 times; in most instances, by one magistrate only, as appeared by the visitors' book, which we inspected.

The prison is large, commodious, clean and airy; it is situated on low ground, on the bank of the river, but the neighbourhood is said to be healthy. Nevertheless, the mortality is much greater in the new prison than it used to be in the old one, which is spoken of as having been defective in every respect.

Police.

7. The Police establishment of Bristol is exceedingly defective. The whole number of peace officers in the city, of every description, by day and night, is as follows:

Present Force.

4 Mayor's Serjeants.	12 Chief Constables.
4 Sheriffs' Serjeants.	136 Petty or Ward Constables.
4 Sheriffs' Yeomen.	15 Night Constables.
2 Mayor's Marshals.	115 Night Watchmen.
1 Mayor's Beadle.	12 Day Policemen.
2 Sheriffs' Beadles.	

The officers in the first of these columns, and the 12 temporary day policemen, have been already mentioned. They are appointed and paid by the corporation, and all but the day policemen have other duties to perform, which prevent their acting as ordinary peace officers.

The

The day policemen are therefore the only regular force employed by the corporation in this manner.

The 12 chief constables and the 136 petty constables are appointed for the different wards, one chief constable for each ward, and a number of petty constables, varying with the size of the ward, as follows:

St. James's ward	30	constables.
St. Stephen's ward	13	—
St. Mary Redcliff ward	12	—
Temple ward	12	—
St. Mary-le-Port ward	11	—
St. Michael's ward	10	—
All Saints ward	9	—
Trinity ward	9	—
Castle Precinct ward	8	—
St. Nicholas ward	8	—
St. Thomas ward	7	—
St. Ewen ward	7	—
	136	

At the last general election 200 persons were sworn in as special constables, who were paid at the rate of 2*s.* 6*d.* and 3*s.* a day.

Constables.

The Chief Constables and Ward Constables are appointed annually by the justices in petty sessions: the nomination is substantially with the alderman of each ward, who names a chief constable, and usually desires him to select the list of petty constables in the ward.

The chief constable in going out of office returns to the alderman of the ward the names of three persons, from whom his successor is generally taken. The chief constable superintends the night constables and night watchmen. The petty constables visit the public-houses, but in general they do not act until called upon for some special purpose. The number of petty constables has been increased of late years from 92 to 136. Formerly each alderman appointed a deputy from the common council, who assisted him in visiting and superintending the police of the ward, but this appointment has been long discontinued.

Night Watch.

The Nightly Watch of the city is regulated according to 28 Geo. 2, c. 32, and 29 Geo. 2, c. 47. Under these Acts the mayor and aldermen in sessions fix the number and salaries of night constables and watchmen. The salaries, by the 28 Geo. 2, could not exceed a certain weekly amount; but that limitation has been taken off by the Paving Act, 46 Geo. 3, c. 26, s. 71. The night constables and watchmen are appointed separately for each ward. Of the former, three are appointed for one of the larger wards, two for another, and one only for each of the rest; they receive 17*s.* a week. The wages of the latter are 10*s.* a week. The watchmen are under the control of the night constables; the night constables under the alderman of the ward. The alderman of the ward or the mayor has power to suspend a watchman until the sessions. The rate for defraying the expense of the nightly watch is made annually in each ward on the second Monday in November, by the chief constable, guardians of the poor, and other inhabitants, who are rated to pay 2*d.* per week or more to the poor of the city in their own right. The rate commences from the Michaelmas preceding. The account of the disbursements in each ward is kept by the chief constable, and is directed by the Act to be audited by two or more justices of the peace, of whom the mayor or the alderman of the ward is to be one, within ten days after the appointment of the new chief constable. In many instances the chief constables have been very remiss in passing their accounts; and in one ward in particular the irregularity was so great, and the means of checking it so inadequate, or so inadequately enforced, that the inhabitants of the ward resorted to the unwise expedient of voting a rate, that is allowed to have been insufficient to meet the current expenses of the year. In many of the wards the rates appear to be in arrear of the expenditure, and the consequence has been, that the chief constable, not having any balance in his hands, has been driven either to advance or borrow money for the watchmen, or to adopt the very objectionable mode of giving them notes of credit with tradesmen for provisions and other necessaries, or the watchmen have remained altogether unpaid during several months.

Insufficiency of the present Police.

All parties at Bristol agree that the Police of the city is wholly inadequate to its extent and population, and that some measure is absolutely necessary for establishing a permanent and well-organized body of policemen. Complaints are made of the non-residence of the magistrates in the city, and of the difficulty of finding magistrates in the evening after the usual hours of business at the council-house; and this uncertainty of meeting with magistrates was stated in resolutions which were published by many of the parishes in Bristol in January 1831. The aldermen do not visit their wards regularly: one ward constable, who had been so during three years, stated that he had only once seen the alderman of the ward in which he acted.

A farther inconvenience is felt from the want of any place where persons apprehended in the daytime can be detained in safety while search is made for a magistrate. After watch-hours such persons are taken to the bridewell. Some instances were stated to us in which the constables had released their prisoners after searching in vain through the city for a magistrate, the mayor happening not to be at his house. These occurred three or four years ago;

ago; but no material change in this respect appears to have taken place since that time in the residences of the magistrates, which are now as stated in the early part of this Report. An efficient body of inferior police is a want of still greater magnitude. Propositions embracing both of these objects were put forth, both before and after the riots of 1831; and there seem to be no obstacles to the carrying of a complete and effectual measure for the purpose, except the fear of increasing the public burthens of the city, and the jealousy with which the body of the citizens view any power or patronage which is to be placed in the hands of the common council. Upon a review of all the proceedings upon that measure, it appears to us that the latter cause was at least as powerful as the former. In December 1830 the mayor and aldermen first took the subject of the police into consideration, and formed a scheme for the establishment of a regular police force, of which the following is an outline.

Propositions for a New Police.

The city to be divided into five districts:

	Superintendents.	Serjeants.	Constables.
1st district, St. Michael's Ward	1	3	34
2d ditto - St. James's ditto	1	3	36
3d ditto - Redcliff, St. Thomas, Temple ditto	1	2	24
4th ditto - Castle, Mary Port, Trinity ditto	1	2	18
5th ditto - All Saints, St. Ewen, St. Nicholas, St. Stephen,	1	2	26
	5	12	138

Probable Annual Expenditure:

5	Superintendents, at 21*s.* per week	£. 273	For night duty.
12	Serjeants - - at 18*s.* —	561	
138	Constables - at 14*s.* —	5,023	
1	General superintendent at head station	100	
	Deputy or turnkey	40	
15	Day constables; viz.		
	4 St. Michael's		
	4 St. James's		
	3 Redcliff	at 12*s.*	468
	2 Castle		
	2 All Saints		
171			
	Allowance for clothing, at 50*s.* each	427	
	Principal station, and four subordinate station-houses, furniture, coal, &c.; say	350	
	Collecting rates	350	
		£. 7,592	

This was accompanied by a statement of the number of watchmen then appointed in each of the proposed districts, which we believe to remain unaltered; but we omitted to ask for an account of the present number in each ward separately, or any other account of the expense than is here given.

Statement of the present Nightly Watch:

	Night Constables.	Watchmen.
St. Michael's	2	28
St. James's	3	29
Redcliff, St. Thomas, Temple	3	18
Castle, Mary Port and Trinity	3	17
All Saints, St. Ewen, St. Nicholas and St. Stephen	4	23
	15	115

Rates granted last year (1830) for 4,548 *l.*

Police Bill.

These propositions for a Police Bill were transmitted to the different parishes, and were taken into consideration at several wardmote as well as parochial meetings in January 1831. Different resolutions were at that time published by these bodies, expressing in almost every instance objections to the proposed plan on various grounds. Some preferred an attempt to improve the existing system of police, and to make it more efficient without incurring so great an expense as the proposed plan would entail upon the city. Some objected to the scheme as taking from the authorities of the ward the appointment of their own officers. Others rested their opposition on the ground of its being an attempt to establish an unconstitutional force; others on the extent to which it would increase the patronage of the corporation. One parish approved of the plan, provided the appointment of a sitting magistrate,

to

to be paid by the corporation, were made part of it; and several of the resolutions contain a general recommendation of the appointment of such a functionary. In consequence of the opposition to their plan, the corporation did not proceed with it at that time, and nothing appears to have been done towards improving the police of the city by application to the Legislature, until after the riots of October 1831. A Bill was brought into Parliament in the following session for establishing a new police force, upon the principle of the scheme proposed in 1830; the whole force to be under the direction of commissioners, consisting of the mayor, a certain number of aldermen, the governor and deputy-governor of the poor, the master of the merchant venturers, and four persons being churchwardens of some of the parishes, or overseers of the Castle Precinct. A stipendiary justice was to be chosen by the Secretary of State out of a certain number of barristers nominated by the justices. The police force was to be appointed by the mayor, aldermen and stipendiary magistrate, who were also to make regulations for its management, to be enforced by the commissioners. The monies required by the commissioners for the payment of this force were to be raised under their warrant to the corporation of the poor, and to be paid out of the county rate, which the magistrates in session had intimated an intention of making. The corporation agreed to give 1,500*l.* a year in aid of the purposes of the Act. In order to discuss the provisions of this bill, and of another which was introduced about the same time, for enabling the city to provide for the compensation of those who had suffered in the riots, a central committee of parochial deputies was appointed from the different parishes. A deputation of three gentlemen from that committee was admitted to confer with the corporation, and afterwards went to London for the purpose of watching the two bills. By the deputies thus acting in behalf of the citizens various suggestions were made, and objections were urged with respect to these two measures, and were received by the corporation in a liberal and conciliating spirit. They agreed, among other things, that the city commissioners should be appointed out of the rate-payers instead of the churchwardens, who in Bristol are a part of select and self-electing vestries, and that the number should be increased from four to six, which was afterwards further increased to 12, being one from each ward. They had previously acquiesced in the appointment of a stipendiary magistrate, although they showed some jealousy of his interfering with their authority, and at first were desirous that his functions should be confined to the committal of prisoners for final examination by the corporate magistrates. The deputies also insisted that the nomination of the stipendiary magistrate and of the police officers should be with the commissioners and not with the justices. This was at last agreed to with respect to the police force, reserving a power to any justice to suspend for misconduct. The other question was compromised, by arranging that the justices were to appoint one out of three barristers, to be presented to them by the commissioners. The corporation also offered, in case the Police and Compensation Bills were passed during that session, to contribute 1,500*l.* per annum to the police force, and 500*l.* per annum towards the prosecution of felons; to continue to bear the expenses of the gaol and bridwell; to abandon their claim to compensation for their property destroyed during the riots, as far as their existing leases and engagements would permit, which claim (it was stated) would include the expense of rebuilding the bridewell, and to give a sum of 500*l.* towards the relief of those sufferers by the riots whose individual losses had been under 30*l.*

These offers were at first viewed with some suspicion by the parochial deputies, in consequence of a publication which had then been recently made, for the first time (under the sanction of the common council), of the state of the finances of the corporation. By this it appeared that the disbursements of the common council already, on an average, exceeded their receipts by nearly 3,000*l.*; and it was asked how, if that were a full and fair disclosure, the corporation could undertake the further liabilities they were about to incur. We feel bound to add here, so far as we have been enabled to judge, by an unreserved communication to us of the chamberlain's books, that no ground existed for the suspicion implied, although, under the circumstances, we cannot condemn it as unreasonable.

It appears to us also that the common council, in stating, as they did to the parochial deputies, that they expected to be able, by retrenchment and an improved mode of managing their property, to turn their annual deficiency into a surplus to the extent mentioned, characterised the scale of their previous expenditure in a manner to which no comments of ours can give additional force.

This point being passed over, every thing seemed in the way of being amicably and satisfactorily settled, when the whole scheme was rendered abortive by the impossibility of agreeing on one question, which had been put prominently forward by each party from the beginning of the negotiations, and had been made the subject of strong resolutions on both sides. This was the question of a County Rate.

County Rate.

The power and necessity of imposing a county rate have been always insisted on by the corporation as incident to the erection of Bristol into a separate county, and that it must be imposed, as in other counties, by the justices in quarter sessions. The citizens and inhabitants at large have always viewed this measure with the greatest possible dislike and distrust, and have indicated their intention of resisting it in every possible way. In order, in some degree, to avoid mooting the question on the police bill, the corporation consented, in compliance with the wish of the parochial deputies, that the proposed bill should charge the police expenses upon the poor-rate, which involved the additional advantage of not requiring a separate establishment for collection. At the same time they intimated that this concession must not be considered as affecting in any way the state of the general question.

Before citing some of the resolutions passed on this occasion, which show broadly and distinctly

tinctly the views entertained by each party, it may be well to advert again shortly to the charter of 47 Edw. 3, by which Bristol was first constituted a separate county. That charter gave a special power to the common council, who also were then first legally established, to levy a rate upon all the men of the town, and appointed two county treasurers, to be chosen by common consent, who were also to have their accounts audited by the mayor and others to be appointed by the commonalty. The constitution of the common council has been in some respect altered in subsequent charters, but no clause of this description is to be found in any of them, nor any notice of this clause, either by way of confirmation or repeal.

We are not prepared to offer any opinion on the operation of it on the present question, nor whether or how far it is affected by the Acts of Parliament relating to county rates in general. On motion for a *quo warranto* information against the sheriffs of Bristol, mentioned in R. *v.* Haythorne, already cited, the Court of King's Bench appears to have taken a distinction between corporate towns that are counties, and "the great counties of the realm;" but we have not the means of knowing how far the court was disposed to carry that distinction.

The view taken of the question in Bristol is explained in several resolutions passed in 1832, from which several passages are extracted below.

A memorial had been addressed on the subject of a county rate by the parochial deputies to the mayor and aldermen, suggesting that the corporate funds should be applied to the purposes of such a rate; to which the common council replied, after noticing that it appeared to have been so addressed, from a misapprehension of the memorialists in conceiving the power and interests of the corporation to be co-extensive with those of the mayor and aldermen. The minute then proceeds as follows: "It must be understood that the magistrates, as such, have no separate direction in the affairs of the corporation, nor has the corporation any control or power, either over the magistrates individually, or as composing the court of sessions."

"The question of a county rate is altogether out of the control or jurisdiction of the corporation, and is vested by law solely in the justices in session."—"The common council are the only parties in whom the law has vested the discretion of applying the corporate funds for the public good, subject always to that comptrolling jurisdiction of the law which will visit any maladministration."

The reply of the memorialists to this minute, after recognising the distinction between the common council and the city magistrates, proceeds in the following words:

"The Committee feel called upon to state most explicitly, that harmony betwixt the municipal authorities and the inhabitants never can be restored unless the magistrates wave the right of taxing the city till it is first shown that the existing sources of revenue are inadequate. Such attempts on the part of a self-elected magistracy and corporation ever have been, and ever will be, strenuously resisted; and if persevered in, redress may be obtained (if not in courts of law or equity) certainly from Parliament, where the right of all not to be taxed without their own consent is fully recognised as a vital principle of the English constitution."

The common council replied, that the magistrates could not act in the way proposed, except by "a coalition with the corporation that would be illegal and collusive."

It was found impossible to get over this question, the deputies insisting, as a previous condition, on "effectual protection against a county rate, over which they should have no control," and the corporation insisting that no such protection could be given, but declaring that they would do all in their power to alleviate the public burdens. The police bill was therefore abandoned, it having been made a preliminary of the negotiation that it was not to go forward but with the consent of both parties. The deputies thereupon addressed a final memorial to the common council, in which they recapitulated their objections to a county rate, and stated again their determination, if it were persisted in, to apply as their only resource to Government, and their belief that it would not permit a self-elected magistracy to impose new taxes without proof of the inadequacy of the city funds; and that Parliament would not recognise the distinction between public stock, and funds to be employed for the public good at the discretion of the common council. They concluded by imploring the justices, as they valued the future peace and welfare of the city, to abandon the measure, lest an universal passive resistance should be excited and continued to the last extremity.

We have preferred to give the substance of these resolutions, instead of merely stating our opinion, unsupported by them, that the question of expense alone would not have occasioned the failure of the measure, although undoubtedly considered of great importance by the parochial deputies.

In one communication, the whole amount of the annual burdens to be sustained by the city, including the proposed police and compensation rates, is estimated at 60,000*l.*, being one-third part of the whole valued rental of the city. It cannot therefore be deemed matter of surprise that, even on that ground alone, the imposition of new taxes should be viewed by all classes in Bristol with alarm and dissatisfaction. The police, therefore, has not yet been placed on that satisfactory footing which a strongly-worded memorial of bankers and merchants to the common council in May 1832 has stated to be necessary to restore confidence, and to prevent the diversion of capital, and the cessation of all mercantile undertakings.

Compensation Act. In the meantime the Compensation Bill, as it was called, was allowed to pass, with the introduction of clauses saving the rights of both parties on the disputed question of county rate. The commissioners under this Act were chosen, one in each ward, by the rate-payers, with power until 1835 to act as city defendants, and to compound all actions with claimants legally entitled to recover damages. Their funds are provided out of an annual instalment of 10,000*l.*, to be raised by the corporation of the poor, in addition to the poor-rate.

This

This Act has worked exceedingly well. The commissioners have succeeded in compounding almost every action, and are said to have saved upwards of 40,000*l.* to the inhabitants of the city.

PAVING.

8. We see no room for doubt that certain tolls, which will be hereafter mentioned, as having been granted by Edward 4 to the corporation, under the names of murage, keyage and pavage, for the purpose of repairing the walls, and maintaining the key and pavement of the town, would be still applicable to some of those purposes if they could be recognised among the various dues which the corporation now claim. We are precluded from saying much on this subject, by our having no authentic evidence to guide us in identifying these dues as any part of those which are now paid under different names. It is very difficult to determine whether these dues, in process of time, became blended with other customs also granted by the Crown, and which are now included with them under the general term of town dues, or whether they have in later times obtained a new designation from the names of the officers who collect them, and are what are now termed key-warden's and water-bailiff's fees.

The former supposition is in some degree supported by old tables and accounts, which, however, we have no means of showing to be genuine. They show certain sums to be payable for murage, in a schedule, containing at the end an *ad valorem* duty of 2*d.* in the pound for articles not in the schedule, which *ad valorem* duty afterwards became the general claim for town dues. The latter supposition is countenanced by the title of the schedule of the key-warden's and water-bailiff's fees, which are expressed to be payable by all persons bringing goods (by water) and ships, boats, trows and other vessels, to the city of Bristol, agreeing therein with the murage, keyage and pavage tolls, which were payable by all persons on imports only, and on ships and goods. Either hypothesis is more probable than that a toll which was profitable and advantageous should have been abandoned. It appears, however, that so early as the reign of Henry 7 these tolls had already ceased to be applied to the purposes for which they were originally granted.

Stat. 20 Henry 7.

In the 20th of Henry 7, an Act passed, on the petition of the mayor, sheriffs, bailiffs and commonalty of the town of Bristol, reciting that the paving of the town in the streets and suburbs was decayed and broken, and that the corporation had no authority, custom or laws to compel the inhabitants, or any person having any messuage, &c. in the town and suburbs, to make or repair any pavement, or to contribute to the cost of doing so. It enacts, that every person seised of messuages, &c. should pave the street before his messuage, &c.; and provides, that on any default the mayor, sheriff and bailiffs should do it, and should charge the cost on the party neglecting. This Act was passed for seven years only.

Stat. 11 & 12 W. 3.

In what manner the pavement of the town was repaired after this Act expired we can only learn from a later Act of Parliament, which was passed in the 11 & 12 Will. 3, and which enacts, that every occupier or owner of houses or lands should pave the street before his house, &c., and recites also, that by the custom of the city, the landlords of all houses or lands let at rack-rent are liable to repair the pitching before their houses to the middle of the street. This seems opposed to the preamble of 20 Hen. 7. The rates to be levied under this Act of Will. 3, were made applicable to no purposes but those of cleaning the streets and lighting the city.

First Paving Rate.

The first Rate for Paving any part of the city was made under an Act of the 22 Geo. 2, which empowered the justices in session to direct how much should be paved by the occupier or owner, not exceeding 20 feet in width; the inhabitants of the parish and precinct to pave the remainder, for which purpose a rate was to be levied upon them. A proviso was added, that all persons, bodies politic or corporate, who, by any prescription, custom, usage, tenure or special agreement, were liable to repair any of the streets, &c. of the city, should still remain liable.

In 1806, the common council prepared a Paving Bill, for the alteration of the former Acts, which on the 20th March was circulated among the parishes, with an intimation that the corporation would wish to receive information with regard to it. On the 14th April, a general meeting of the ministers and churchwardens was held, which sent a deputation to the mayor, requesting that the Bill might not be further proceeded in until the sense of the inhabitants of the whole city could be taken. A committee of parochial deputies was thus formed, who, on the 24th April, reported, that "many of the clauses were considered as being extremely improper, and such as would prove highly injurious to the interests of the citizens, by giving an undue power and influence to the mayor and aldermen."

In the mean time the Bill was carried through both Houses without any delay, and passed the House of Lords on the very day following that on which the foregoing resolution was come to. In reply to it, the common council resolved that the principle of the Act was to render the usage of the city conformable to the general law of the land; that the powers which it gives to the magistrates were in all material instances the same as are exercised by the county magistrates, and the mode of electing commissioners the same as is directed for the election of surveyors of highways under the General Highway Act:

"That the corporation, in framing the Bill, had taken particular care of the rights, privileges and interests of the citizens of Bristol, and had no doubt but the operation of the Act would prove satisfactory."

The discussion was closed by the resolution of another general meeting of the parochial deputies, that in their opinion "the Act was inimical to the rights, privileges and interests of the citizens of Bristol, and that it would meet with general disapprobation."

The clause of the old Act of Geo. 2, continuing the liabilities of all persons, bodies politic and

and corporate, who, by prescription, custom, tenure or agreement, were liable to repair the streets within the city, is omitted from the present one.

Commissioners of Paving and Lighting.

The sole power of Paving, Pitching, Cleansing and Lighting the streets, &c., and of making, enlarging and cleansing, &c. the common sewers (except the forming of those which were to be made by the Dock Company) is vested in the mayor and aldermen, to be executed by such persons as they should elect from 10 persons returned by the householders from each parish and the castle precinct, to the mayor and aldermen at quarter sessions; two for each parish, and two for the ward of the Castle Precinct, one of the two in each case for three years, the other for two years. Vacancies, as they occur, to be filled up in the same manner. The qualification for a commissioner is a real estate of the annual value of 40 *l.* or a personal estate of the value of 1,000 *l.* The sums required for the purposes of the Act are raised annually in each parish and in the castle ward, by a rate on all lands and houses, tenements and hereditaments. The Act does not extend to the parts of Bedminster and Clifton included in the city.

Surplus Fund of Bristol Bridge.

In aid of the rate to be raised under the Act, a sum of 2,230 *l.*, three per cent. consols, was directed to be paid over by the trustees in whose names it was invested. This amount of stock was the Surplus which remained after the expiration of a trust for repairing and lighting Bristol Bridge, which was thenceforth to be placed under the management of the commissioners for paving. Some transactions connected with the trust relating to the bridge, and which took place in 1793, were brought under our notice in the course of our inquiry. We allude to them only, because a charge was founded upon them against the corporation and the corporate magistrates, for which we cannot see much ground. It seems that an idea had prevailed among the citizens, that the commissioners of the bridge had accumulated the full amount from the tolls allowed by the Act, and that the bridge, which is a principal thoroughfare of the city, was about to be thrown open. Some individuals, with what view it is not now easy to ascertain, purchased the tolls of the lessees during the last fortnight of the then current year, and threw the bridge open during that time. On the tolls being leased for another year, serious riots ensued; the magistrates called out the military, and several persons were killed. The principal blame appears to us to rest with those parties who, without full information, had recourse to a step which could not but add strength to the idea that the tolls continued to be illegally collected. Their conduct seems to have been founded in a complete misapprehension as to the surplus then in the hands of the trustees, which by Act of Parliament was required to be 2,000 *l.* before the tolls were given up, and which did not, in fact, amount to that sum when paid over to the commissioners of paving. However, from the time of these disturbances, no more tolls were collected on the bridge.

Expenses of Paving Act.

The Expenses of the Paving Act were defrayed out of the rate and other funds in the hands of the commissioners. The corporation advanced 1,000 *l.* for the purpose of passing it, but required repayment of that sum by the commissioners.

Mandamus.

Since this Act was passed, the Court of King's Bench was moved for a *Mandamus* to direct the corporation to pay over to the commissioners for paving, in aid of the money for the pavements of the city, such sums of money as they had received for certain dues called Town dues and Mayor's dues. This motion was intended to raise the question, which has been already alluded to, whether the corporation possess any funds applicable to paving the town. A preliminary objection was taken, that they had never been asked to do it, on which ground alone the rule was refused. We are not aware that the question has ever been agitated again.

The accounts of the monies raised under this Act are audited annually by the justices of the city, who, if they think fit, may order their publication. It appears that they are published every year.

The amount of rate levied under this Act, in the whole city, during the last seven years, and the deficiency uncollected, which, as it appears, is always re-assessed in the following year, is shown below.

YEAR.	Assessment allowed for the Year.	Deficiency of last Year Re-assessed.	TOTAL.
	£.	£. s. d.	£. s. d.
1827 - - -	12,000	829 - - $\frac{1}{2}$	12,829 - - $\frac{1}{2}$
1828 - - -	12,000	1,697 3 2 $\frac{3}{4}$	13,697 3 2 $\frac{3}{4}$
1829 - - -	12,000	1,222 5 3 $\frac{1}{2}$	13,222 5 3 $\frac{1}{2}$
1830 - - -	12,000	1,412 7 6 $\frac{3}{4}$	13,412 7 6 $\frac{3}{4}$
1831 - - -	12,000	1,555 17 5 $\frac{1}{4}$	13,555 17 5 $\frac{1}{4}$
1832 - - -	12,000	1,687 16 2 $\frac{3}{4}$	13,687 16 2 $\frac{3}{4}$
1833 - - -	11,000	1,871 2 5 $\frac{1}{2}$	12,871 2 5 $\frac{1}{2}$

POLICE OF THE SUBURBS.

9. The Police of the Suburbs of Bristol is still more defective than that of the city.

Bedminster.

The parish of Bedminster, the dense population of which closely adjoins the city on the Somersetshire side, is totally without any police, except a head constable, a petty constable, and five tithing men, chosen annually at the court leet of the hundred of Bedminster. There is no Act for paving or lighting any part of this parish, which is very large, being about 21 miles

miles in circumference, and containing 13,130 persons. Of these, about 12,000 are within the Parliamentary boundary, and about 5,000 of those 12,000 within the district added to the county of Bristol by the Dock Act. Its population is in general poor, comprising principally mechanics, shipwrights, and the families of seafaring people. The erection of small houses has been much encouraged in this parish by a defective system of levying the poor-rates, of which nearly one-third part remains uncollected. A great number of freemen of Bristol live in this parish. The accommodations afforded in it are said to be so bad, that the Somersetshire magistrates, who meet there every six weeks, discontinued their session in the parish during two years, for want of a proper place to hold it in.

St. Philip & Jacob.

The out-parish of St. Philip and Jacob, the buildings of which form an uninterrupted suburb of the city, including 15,777 persons, is nearly in the same unprotected state as Bedminster.

There is neither an Act for paving and lighting, nor for any purposes of police. Fifteen unpaid constables are now appointed under the constable of the hundred. The magistrates of Gloucestershire hold a petty session in this parish every week, at the county bridewell, called Lawford's Gate Prison.

The number of small houses is increasing in this parish as well as in Bedminster, as the burden of the city taxation is a great inducement to the poorer classes, who are employed in the city, to dwell outside of its boundary. Crime is frequent among them, and of course the worst offenders cannot be brought to justice but at Gloucester, a distance of 30 miles from Bristol. So felons from Bedminster must be taken to Wells, 20 miles distant, or still farther, to Taunton or Bridgwater, from the immediate neighbourhood of a court having power to punish offences of every kind, committed within the limits of its jurisdiction.

The suburbs of Bedminster and St. Philip and Jacob are those in which these inconveniences are chiefly felt, from the magnitude and disorderly condition of their population: they apply, with more or less force, to the other suburbs.

Clifton.

The parish of Clifton contains a population of 12,032 persons: the principal part of the inhabitants of the upper part are of the wealthier classes, but it also contains a poor population along the road from Bristol to the Hotwell, and the parts adjacent. It is paved, lighted and watched by a local Act, under which 17 watchmen and two night constables are appointed.

Extension of Jurisdiction.

The importance of including the suburbs of Bristol in any general measure of police for the city was represented to the corporation by the parochial deputies, in their correspondence on the Police Bill. The corporation, in their reply, discouraged the idea, intimating that there would be such difficulties in the way, that it would not be advisable to attempt it. The difficulties hinted at were probably connected with the want of jurisdiction over those suburbs by the city magistrates, and with their not being within the limits of the corporation of the poor, by whom the police rate was to be collected. We believe the desire of the inhabitants of these suburbs would be to enjoy what advantages belong to the city jurisdiction, without paying the price for them in being made liable to the city burdens.

We can have no hesitation in recommending that the whole district included within the Parliamentary line should be made, in every respect, part of the city and county of Bristol. The exceptions contained in the Acts, by which portions of Clifton and Bedminster were so annexed, seem to us to occasion anomalies and inconveniences of more importance than those which they were intended to obviate.

New arrangement of Wards.

Whether or not this should appear desirable, a new arrangement of the Wards of the city appears a measure of great importance to its welfare, as many and serious inconveniences are experienced by the present unequal divisions. If no addition were to be made to the present city boundary, the districts, as proposed in the Police Bill of 1831, might probably be used with advantage as a basis for such new subdivision; but if all the Parliamentary district were to be included in the jurisdiction of the city, in which case it might seem desirable to increase the present number of wards to make room for those additions, the following outline of a plan is suggested, as involving in its main divisions no variations from those already recognised, either for municipal or parochial purposes, and which, when completed in its details, would produce not a very unequal distribution of the population through every one of the 16 wards thus created.

Proposed Names.	Proposed Contents.	Population, 1831.
1. Bristol ward	comprising the wards of Trinity, All Saints, St. Ewen, Mary Port and the Castle Precinct, St. Nicholas and St. Stephen	8,981
2. Redcliff ward	comprising Redcliff ward and St. Thomas's ward	6,513
3. Temple ward	comprising Temple ward	7,088
4. St. Augustine's ward	comprising St. Augustine's parish	8,358
5. St. Michael's ward	comprising the whole of the present ward of St. Michael, except St. Augustine's parish	6,397

Proposed Names.	Proposed Contents.	Population, 1831.
6. St. Paul's ward	To be formed by a subdivision of the whole in and out-parish of St. Paul, the population of which is 11,641, by an equal division, or nearly so, say	5,641
7. Montpellier ward		6,000
8. St. James's ward	To be formed by a subdivision of so much of St. James's parish as is not in St. Michael's ward and that part of Westbury which is within the Parliamentary line; total population, 10,927, say	5,927
9. Westbury ward		5,000
10. St. Jacob's ward	To be formed by a subdivision of the parish of St. Philip and Jacob, and that part of St. Peter's parish which is now in St. James's ward; total population, 20,441, say	6,441
11. St. Philip's ward		7,000
12. St. Peter's ward		7,000
13. Bedminster ward	To be formed by division of Bedminster parish within the Parliamentary line, say 12,000	6,000
14. Totterdown ward		6,000
15. Clifton ward	To be formed by division of Clifton parish, total population 12,032, say	6,032
16. Rownham ward		6,000
	TOTAL Population within the Parliamentary line	104,378

The Population of the present wards is as follows:

1. St. James's ward	21,737
2. St. Michael's ward	14,755
3. Temple ward	7,088
4. St. Mary Redcliff	5,778
5. Trinity ward	2,018
6. Castle Precinct	1,804
7. St. Nicholas's ward	1,648
8. St. Stephen's ward	1,307
9. St. Mary-le-Port ward	1,201
10. St. Thomas's ward	735
11. All Saints ward	517
12. St. Ewen's ward	486
City and County	59,074
Clifton parish	12,032
Out-parish of St. Philip and Jacob	15,777
Ditto - St. James and St. Paul	4,495
Parish of Bedminster within the Parliamentary line, estimated at	12,000
Ditto Westbury - - - ditto	1,000
TOTAL Population within the Parliamentary line	104,378

REVENUE.

10. The Revenue of the corporation of Bristol is entirely managed by the common council, and no account of it had been published until 1832. The corporation are trustees of extensive charities, but the accounts of these are kept in separate books, and do not in any way enter into the accounts of the corporate property, except in some cases, which will be noticed in detail below. These are cases in which the corporation is entitled to certain estates, charged with definite payments to charitable uses. In these instances, the accounts of the estates are kept in the corporation books, and the payments to the charities are carried out, clear of any subsequent deductions. In consequence of the excitement which prevailed in Bristol in the course of the years 1831 and 1832, a committee of gentlemen, not of the corporation, were permitted to examine the corporation books, and to compare them with an average account of receipts and disbursements during several preceding years, which was prepared for their use.

Publication of Accounts.

That account was published by the committee in the Bristol newspapers in March 1832, with the sanction of the common council, and it was understood at the time that those gentlemen of the common council who had assisted the committee in their inquiry would recommend the annual publication of a similar document. In May 1832, an order of the common council was made that an abstract of the accounts should be printed annually, under the direction of a committee of the common council, called the Surveyors of City Lands, the constitution of which has been already described. This order was not formally published at the time it was made, but was mentioned by several members of the corporation in conversation. No subsequent publication had followed, in conformity with this order, up to the time of our visit to Bristol, and the issuing of our commission was mentioned to us in explanation why this had not been done, as the common council conceived it would be more advisable to delay the publication until we had an opportunity of seeing the accounts.

Every possible facility was given to us in examining all the books that we required to be produced, and we think it right to state, in the outset, that the result of that investigation has been a complete verification of the accuracy of the average account published in 1832, as also of another of the same kind, extending over a different period, which had been prepared for our inspection.

We made extensive extracts from the ledger accounts, with a view of presenting the actual receipt and expenditure on every one of the principal items during a series of years; but we have finally decided on preferring those two averages, both as giving a clearer view of the real state of the affairs of the corporation, and as having been delivered to us by the chamberlain, whose authentication is of course wanting to that altered form in which we had endeavoured to place the accounts from memoranda extracted by ourselves.

The two Average Accounts are as follows: Average Accounts.

AN ACCOUNT of the AVERAGE INCOME and EXPENDITURE of the Corporation of the City of *Bristol*, prepared for the use of the Commissioners of Municipal Corporations, 1833.

AVERAGE OF INCOME:

	£.	s.	d.	£.	s.	d.
City rents - - - - 7 years, to 29 Sept. 1823 - -	4,206	–	–			
Less, allowances for repairs, bad debts, &c. - - -	300	–	–			
				3,906	–	–
Country rents - - - 7 years, to 29 Sept. 1823 - -	3,065	–	–			
Average repairs and outgoings - - - - -	833	–	–			
				2,232	–	–
Renewals - average 14 years, to 29 Sept. 1816 - -				2,895	–	–
Exchange and markets, 7 years, to 29 Sept. 1823 - -				3,915	–	–
St. James's-market - 7 years, to - ditto - -				88	–	–
Town dues - - - - 5 years, to - ditto - -				4,000	–	–
Mayor's dues - - - 5 years, to - ditto - -				1,450	–	–
Burgess-money - - - 7 years, to - ditto - -				284	–	–
Cheese-market - - - 7 years, to - ditto - -				1	–	–
Oyster-market - - - 7 years, to - ditto - -				2	–	–
			£.	18,773	–	–

AVERAGE OF EXPENDITURE:

	£.	s.	d.	£.	s.	d.
Interest on City bonds, 7 years, to 29 Sept. 1823 - - -	1,477	–	–			
Less, received from Queen Elizabeth's Hospital - -	208	–	–			
				1,269	–	–
Annuity - - - - - - - - - - - - -				58	–	–
Gifts and payments - - - - - - - - - - -				207	–	–
Corn sheds - - - - - - - - - - - -				25	–	–
Rents payable by the Chamber - - - - - - - -				211	–	–
Guildhall - - 7 years, to 29 Sept. 1823 - - - - -				92	–	–
Mayoralty-house - - - - ditto - - - - - -				802	–	–
Mayor - - - - - - - - ditto - - - - - -				2,500	–	–
Sheriffs - - - - - - - - ditto - - - - - -				1,412	–	–
Gaol - - - - - - - - ditto - - - - - -				1,538	–	–
Bridewell - - - - - - - ditto - - - - - -				435	–	–
Bridge - - - 14 years, to 29 Sept. 1816 - - - - -				91	–	–
Library - - - 7 years, to 29 Sept. 1823 - - - - -				89	–	–
Mayor's Chapel - - - - ditto - - - - - -				530	–	–
Council-house - - - - - ditto - - - - - -				370	–	–
Salaries - - - - - - - ditto - - - - - -				2,480	–	–
Pensioners - - - - - - ditto - - - - - -				248	–	–
Welch Market - - - - ditto - - - - - -				3	–	–
Ordinaries - - - - - - ditto - - - - - -				2,663	–	–
Extraordinaries - - - - ditto - - - - - -				1,386	–	–
			£.	16,409	–	–

AN ACCOUNT of the AVERAGE RECEIPTS and EXPENDITURE of the Corporation of the City of *Bristol* (published, with the sanction of the Common Council, in the Bristol Papers, 17 March 1832.)

RECEIPTS:

References.		£.	s.	d.	£.	s.	d.
	City rents, average for 7 years, to 29 Sept. 1830	4,864	–	–			
	Less, allowances for repairs, bad debts, &c.	375	–	–			
					4,489	–	–
(a)	Country rents, average 7 years, to 29 Sept. 1830	3,730	–	–			
	Less, annuities	768	–	–			
		2,962	–	–			
	Average repairs and outgoings	1,374	–	–			
					1,588	–	–
	Renewals – average 14 years, to 29 Sept. 1830				2,805	–	–
	Exchange and markets, average 7 years				3,727	–	–
	St. James's-market – ditto				257	–	–
	Corn sheds – ditto				4	–	–
	Town dues – average 5 years				1,785	–	–
	Mayor's dues – ditto				612	–	–
	Burgess-money – average 7 years				187	–	–
	Fines – ditto				20	–	–
				£.	15,474	–	–

EXPENDITURE:

References		£.	s.	d.	£.	s.	d.
(b)	Interest	2,546	–	–			
	Less, received of Queen Elizabeth's Hospital	208	–	–			
					2,338	–	–
(c)	Annuity				58	–	–
(d)	Gifts and payments				207	–	–
(e)	Cheese-market, average 7 years				3	–	–
(f)	Rents payable by the Chamber				243	–	–
(g)	Guildhall – average 7 years				330	–	–
	Mayoralty-house – ditto				720	–	–
	Mayor				2,000	–	–
	Sheriffs				800	–	–
	Oyster-market – average 7 years				53	–	–
	Gaol – ditto				1,683	–	–
	Bridewell – average 7 years				427	–	–
	Swivel Bridge – average 14 years				448	–	–
	Library – average 7 years				25	–	–
(h)	Mayor's Chapel – ditto				429	–	–
(i)	Council-house – ditto				750	–	–
(k)	Salaries – ditto				2,480	–	–
	Officers' wages, clothes, &c. – ditto				524	–	–
	Pensioners – ditto				142	–	–
	Welch market – ditto				7	–	–
(l)	Ordinaries – ditto				1,969	–	–
(m)	Extraordinaries – ditto				2,693	–	–
				£.	18,329	–	–

REFERENCES:

(*a*) These annuities are due to various individuals, in consideration of their having surrendered their estates, which they held for lives. Upon the death of such lives, these annuities revert to the corporation.

The cause of the average of repairs, &c. appearing so high, arises from building farm-houses, barns, &c., and from the heavy expenses to which the corporation are subject on estates falling into hand. As these repairs are done in a substantial manner, it may be inferred that the average will be lessened.

(*b*) The amount of the bond and other debts due from the corporation to various charities and individuals is 81,228 *l.* 14 *s.* 1 *d.*, and the interest paid thereon is 2,546 *l.* The governors of Queen Elizabeth's Hospital owe the corporation 25,134 *l.* 8 *s.* 6¼ *d.* to the same period. This debt is the accumulation of interest for a great many years on the original debt of 4,160 *l.*, on which amount only are the corporation entitled to charge interest, viz. 208 *l.* per annum.

The trustees of the cattle-market are also in debt to the corporation upwards of 10,000 *l.*

(*c*) This annuity is payable to the feoffees of Alderman Whitson's charity, for a consideration.

(*d*) Payments made annually to every parish in Bristol, the gifts of various individuals, for which the corporation's estates are liable.

(*e*) It is in contemplation to remove this market to the Wool Hall, Thomas-street. The site at present is in a confined-street, leading from Wine-street to St. Mary-le-port-street, and it cannot be expected that any considerable advantage can be realized from sale or otherwise.

(*f*) The corporation's funds are liable for this amount to various persons, for fee-farm and other rents of property demolished to improve the city.

(*g*) Comprehends the necessary repairs upon an average of seven years. The building is very old, and requires constant repair, but it is probable this average may be lessened.

(*h*) The clergy receive from the corporation 2 *l.* 2 *s.* for each sermon. The remainder comprehends the salary of chaplain, organist, clerk, sexton and other disbursements, the average of repairs, &c.

(*i*) The taxes of this building are nearly 200 *l.* per annum; the porters and night watchman, 100 *l.*; the tolzey-keeper's salary and disbursements for women, &c., about 250 *l.*, which includes expenses of quarter sessions; gas, candles, insurance, and the ordinary repairs, make up the remainder.

(*k*) Town clerk, chamberlain, vice-chamberlain, sword-bearer, coroners, mayor's clerk, land steward, inspector of nuisances on the rivers, ditto for the city, haven-master, bridge-keeper, chamberlain's clerks, preaching lectures at St. Nicholas church, master of the grammar-school, under-master of ditto, preaching Thursday lectures at St. John's, chaplain to the Infirmary.

(*l*) Payments to various tradesmen for repairs of property in hand; the costs of conveying water to key-pipe, &c.; insurances, stamps, expenses of gaol deliveries and assizes; stationery, printing and advertising; vote to the recorder; wine to the recorder, Members in Parliament and high stewards; vote to the Infirmary, law charges, &c.

(*m*) Payments under this head consist of votes of the common council for any extraordinary object, such as building churches, &c., and is applicable to the votes made by the surveyors for the improvements in the city, either in widening or improving the streets, by throwing down or falling back the fronts of houses. Entertainments to distinguished personages fall also under this head; expenses occasioned by the proclamation or coronation of a king or queen; law expenses in defending suits instituted against the corporation.

We shall offer a few additional remarks, explanatory of some of these items.

City Rents.

The City Rents mentioned in these average accounts are from houses held by the tenants of the corporation, partly on chief-rents, partly on fee-farm and quit-rents, and partly on rack-rents. A small extent of building land in the neighbourhood of the city is also included in this item.

The proportions of property held on each of these tenures may be estimated from the amounts received from each in the years 1830, 1831 and 1832. These were:

RENTS.	1830.	1831.	1832.
	£. s. d.	£. s. d.	£. s. d.
Fee-farm rents - -	456 5 –	456 – –	475 17 6
Chief-rents - -	1,183 14 9	1,189 16 8	1,218 13 6
Rack-rents - -	3,221 17 2	3,640 17 5	3,376 14 11
£.	4,861 16 11	5,286 14 1	5,071 5 11
		£. s. d.	
1833: Deduct rack-rent of premises sold, about - - - - -		529 – –	
Less, chief-rents received - -		50 – –	
			479 – –
			4,592 5 11
1834: Deduct as above, less, chief-rents - - -			250 – –
		£.	4,342 5 11

The corporation have lately sold several leases for lives of property that used to be let from year to year, in order to raise money for their recent occasions. The ordinary term granted is

is for 99 years or three lives, and the leases are renewed as the lives drop. The leases are always sold by public auction. There are annual sales of this description, in cases where the parties have neglected to renew, and the term has been suffered to expire.

Country Rents.

The country estates consist chiefly of the three manors of Portishead, Stockland and Ercott, each of which is superintended by a bailiff, and some lands at Hinton and Woodmancote, charged with charitable payments. Portishead is in Somersetshire, on the Bristol Channel, about 12 miles from Bristol. Extraordinary expenses have been incurred there lately in building an hotel, making roads, &c., with a view of its becoming a place of resort for sea-bathing; and it was at one time suggested that it might be made a station for the Irish packets. A pier has been built, but not sufficient to enable packets to land their passengers at all times of the tide, and this has been probably the reason why this scheme has not been acted upon. A more direct communication will be had with Portishead from the upper parts of Bristol on the completion of the suspension bridge over the Avon, and the value of property there may in that case be expected to increase. More than 11,000 *l.* have been expended by the corporation at Portishead within the last five years, which, with the expenditure of the present year, will nearly have completed the intended improvements. Some of the land there has been let on building lease, and some sold on fee-farm rents, with covenants to erect houses of a given standard. Stockland is beyond Bridgwater about 40 miles. Ercott is towards Gloucester, six or seven miles from Bristol. Hinton is about the same distance, in Dirham parish. Woodmancote is near Dursley, 20 miles from Bristol. Almost all the farms of the corporation are let from year to year; they used to be let on lives until about 40 years ago, when the system was changed. About 600 acres still remain out on leases for lives.

None of the common council are tenants of the corporation, or derive any advantage from them in their individual capacity. The mode of letting the farms is according to a valuation made by the land steward, who reports on them and on the character of the applicant to the surveyors of city lands. The tenants have rarely changed.

Lease to the Merchant Venturers.

Among the city rents, the lease of the wharfage tolls to the Merchant Venturers requires to be particularly mentioned. The history of those tolls, and the manner in which they have been legalized by Act of Parliament, will be given in another part of this Report. The present lease is dated 29th September 1764; it is for 99 years absolute, and was granted in consideration of the surrender of a former lease, granted in 1712, for 80 years, of building a new quay, and for an annual rent of 10 *l.* No pecuniary consideration is mentioned in the lease.

Exchange.

The profits from the Exchange arise from rents of offices. The market mentioned with it in the Account is a daily provision market, the profits of which arise from rents of standings.

Markets.

The St. James's Market is a fish-market, in a different part of the town. The profits of these markets are collected and paid over weekly by collectors for the corporation. There are some other small markets, but these have been a source of expense rather than of profit of late years: 376 *l.* were laid out in building an oyster-market in 1831, and only 2 *l.* 7 *s.* 6 *d.* were received from it in 1832; 536 *l.* were spent in the cheese-markets in 1831 and 1832, and only 15 *l.* 18 *s.* 6 *d.* taken in those two years. A considerable leather-market is held twice in the year, but the corporation let the building in which it is held, and derive no other profit from the market. A large cattle-market has been recently established on the outskirts of the town, in St. Thomas's parish, for which the corporation advanced to the trustees half the money required, besides selling them four acres for the site of it; the land was sold for 600 *l.* per acre. The trustees had power, by the 9 Geo. 4, to borrow the remainder of the money required on the credit of the tolls. This latter debt has priority over that of the corporation, and the market tolls have not yet been sufficient to repay anything to the corporation. After the debt shall have been paid off, the moiety of the surplus profits belonging to the corporation is to be employed in public improvements. At present the market stands in the corporation books with a balance of 11,885 *l.* 17 *s.* 0 ¼ *d.* against it, and there seems little probability of this being soon diminished.

Town and Mayor's Dues.

The cause of the diminution of the Town and Mayor's Dues will be explained in the account of them that will be presently given. The annexed Accounts show the sums actually received during seven years before and seven years after the Act by which they are now regulated.

TOWN DUES paid to the Corporation of *Bristol* prior and subsequent to the passing of an Act of Parliament, 6 Geo. 4.

	£.	s.	d.		£.	s.	d.
Net Amounts, 1818 - -	3,981	9	10	Net Amounts, 1826 - -	1,726	15	–
— 1819 - -	4,879	17	11	— 1827 - -	1,851	2	9
— 1820 - -	4,063	4	1	— 1828 - -	1,746	10	11
— 1821 - -	4,090	11	7	— 1829 - -	1,930	1	3
— 1822 - -	3,634	–	6	— 1830 - -	1,678	13	10
— 1823 - -	3,422	8	8	— 1831 - -	1,808	–	8
— 1824 - -	3,299	–	10	— 1832 - -	1,528	10	1
Average of 7 years before the Act	3,910	1	11	Average of 7 years after the Act	1,752	16	4 ¾

MAYOR'S

MAYOR'S DUES paid to the Corporation of *Bristol* prior to the passing of an Act of Parliament, 6 Geo. 4, each Vessel paying 40 *s.*

——	1818.	1819.	1820.	1821.	1822.	1823.	1824.	AVERAGE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Amount - -	1,394 - -	1,576 - -	1,358 - -	1,314 - -	1,538 - -	1,704 - -	1,908 - -	1,541 14 3½
Commission, &c.	42 12 4	57 18 4	40 1 2	38 6 6	45 18 2	52 18 4	58 11 5	48 - 10½
£.	1,351 7 8	1,518 1 8	1,317 18 10	1,275 13 6	1,492 1 10	1,651 1 8	1,849 8 7	1,493 13 5

MAYOR'S DUES paid to the Corporation of *Bristol* subsequent to an Act of Parliament, 6 Geo. 4.

	£. s. d.	£. s. d.
1826:		
130 at 40/ - - - -	260 - -	
59 - 30/ - - - -	88 10 -	
60 - 15/ - - - -	45 - -	
159 - 10/ - - - -	79 10 -	
426 - 5/ - - - -	106 10 -	
	579 10 -	
Less, Commission & Expenses	34 13 2	
		544 16 10
1827:		
122 at 40/ - - - -	244 - -	
54 - 30/ - - - -	81 - -	
56 - 15/ - - - -	42 - -	
219 - 10/ - - - -	109 10 -	
529 - 5/ - - - -	132 5 -	
	608 15 -	
Commission and Expenses -	18 11 -	
		590 4 -
1828:		
122 at 40/ - - - -	244 - -	
71 - 30/ - - - -	106 10 -	
52 - 15/ - - - -	39 - -	
173 - 10/ - - - -	86 10 -	
480 - 5/ - - - -	120 - -	
	596 - -	
Commission and Expenses -	18 - 1	
		577 19 11
1829:		
127 at 40/ - - - -	254 - -	
66 - 30/ - - - -	99 - -	
60 - 15/ - - - -	45 - -	
233 - 10/ - - - -	116 10 -	
551 - 5/ - - - -	137 15 -	
	652 5 -	
Commission and Expenses -	19 19 3	
		632 5 9

	£. s. d.	£. s. d.
1830:		
114 at 40/ - - -	228 - -	
66 - 30/ - - -	99 - -	
47 - 15/ - - -	35 5 -	
231 - 10/ - - -	115 10 -	
526 - 5/ - - -	131 10 -	
	609 5 -	
Commission and Expenses	18 10 5	
		590 14 7
1831:		
138 at 40/ - - -	276 - -	
71 - 30/ - - -	106 10 -	
57 - 15/ - - -	42 15 -	
253 - 10/ - - -	126 10 -	
455 - 5/ - - -	113 15 -	
	666 - -	
Commission and Expenses	20 2 9	
		645 17 3
1832:		
104 at 40/ - - -	208 - -	
56 - 30/ - - -	84 - -	
45 - 15/ - - -	33 15 -	
124 - 10/ - - -	62 - -	
372 - 5/ - - -	93 - -	
	480 15 -	
Commission and Expenses	14 19 9	
		465 15 3
Average - - - £.		578 4 10

The largest sum received for Burgess Money, which is the fee paid on the admission of freemen, was in 1830, when 564*l.* 1*s.* was received on this account. In 1831 it fell to 263*l.*, and in 1832, to 52*l.* 7*s.* 4*d.* It is expected that the future amount will fall short of the average stated. The highest sum remembered to have been given for the freedom is 100 guineas; the sum ordinarily demanded varies from 12 to 50 guineas. Burgess Money.

The average accounts do not, of course, notice any extraordinary receipts by the corporation. The principal one of this kind lately was a gift of 10,000*l.* (called Weare's Gift) for public improvements, charged with an annuity of 500*l.* per annum, on two lives, one of which is still subsisting. This sum has been invested in Government securities, and no part of it is at present available for the purposes to which it will be applied. The corporation will, in fact, be losers in this transaction, to the extent of the difference between the annuity paid by them and the interest received on their investment. Weare's Gift.

Debt.

The first item on the expenditure side of the Average Accounts shows that the corporation is burdened with a heavy debt; this is for the most part secured on city bonds, and the following Table shows the amount of them outstanding during the last 30 years.

ACCOUNT of City Bonds.

YEAR.	BOND DEBT. £. s. d.	YEAR.	BOND DEBT. £. s. d.
1803	55,900 9 5	1819	39,457 7 11
1804	55,700 9 5	1820	41,577 11 11
1805	54,920 9 5	1821	39,895 11 11
1806	48,912 10 5	1822	39,895 11 11
1807	49,112 10 5	1823	39,895 11 11
1808	45,562 10 5	1824	36,395 11 11
1809	45,612 10 5	1825	36,395 11 11
1810	44,957 10 5	1826	46,045 11 11
1811	38,657 10 5	1827	55,045 11 11
1812	38,157 10 5	1828	56,045 11 11
1813	38,007 7 11	1829	61,645 11 11
1814	37,907 7 11	1830	69,695 14 5
1815	40,907 7 11	1831	69,995 14 5
1816	40,907 7 11	1832	77,415 14 5
1817	40,857 7 11	1833	86,204 10 1
1818	40,857 7 11		

During this period the debt was least in 1825, when it was 36,395 *l.* 11 *s.* 11 *d.* The bonds bear various rates of interest between three and five per cent.; only 6,200 *l.* pay five per cent. A great part of this debt consists of monies which the corporation have accepted, on condition of paying a permanent interest for it to charitable purposes, and which, consequently, they have no power to pay off. These sums are as under:

	£.	s.	d.
Mary Ann Peloquin	19,000	–	–
Dr. White's Hospital	2,263	6	6½
Society of Merchants	1,055	–	–
Alderman Whitson's feoffees	4,000	–	–
Feoffees of Trinity Almshouse	2,642	1	–
Rev. Dr. Slope's Gift	510	19	8½
Alderman T. Jackson's Gift	300	–	–
Anne Thurston's Gift	300	–	–
Dr. White's Road Money	229	7	–
Vicar and churchwardens of Portbury	220	10	–
Rectory of St. Werberg	200	–	–
Churchwardens of ditto	50	–	–
Ditto of St. John's	50	–	–
Ditto of St. Phillip	434	10	2
£.	31,255	14	5

The redeemable debt was therefore 5,140 *l.* in 1825, and 54,949 *l.* in 1833. On the other hand, near 40,000 *l.* is now calculated as due to the corporation from the trustees of Queen Elizabeth's Hospital and the trustees of St. Thomas's Cattle-market, of which sums, however, that part due on account of the market, being more than 10,000 *l.*, is not so well secured as the remainder.

The reduction of interest entered in the Average Account as receivable from the trustees of Queen Elizabeth's Hospital, arises on account of a balance of an old debt, so far back as 1606, when it was only 3,000 *l.* This transaction was investigated by the Charity Commissioners when at Bristol, and the result of their inquiry was an alteration of the account in favour of the hospital to the extent of 15,523 *l.* 14 *s.* As this debt is referred to as part of the assets of the corporation, it becomes necessary for us to notice it also here.

It appears from the 6th and 8th Reports of the Charity Commission, that in the earliest account-book in which this debt is mentioned it is stated to have been 3,000 *l.*, in 1606. Interest on this sum was charged at rates varying from six to ten per cent. until 1714, the year in which the Statute of Usury was passed; thence, until 1727, interest was charged upon it at five per cent., which was then reduced to four per cent.; and again, in 1736, to 3½ per cent.; and in 1752, to three per cent. In 1781, an account of the debt was taken, which was then found to be 27,160 *l.* 8 *s.* 9¼ *d.* principal and interest, and three per cent. had been charged upon this sum from 1781 to the time of the inquiry by the Charity Commissioners.

By

By this means the debt had been swelled in 1819 to 46,999 *l.* 6 *s.* 3 ½ *d.* The Charity Commissioners expressed their opinion that the measure adopted in 1781, of making a rest, and of thenceforward charging interest on the total sum due for interest and principal, was illegal; and the corporation, in deference to that opinion, proposed to open the account afresh from the beginning between themselves and the hospital, and to charge interest only on the principal of the original sum, with such additions to the same as had accrued by sundry disbursements out of their own funds on the hospital account, claiming an amount of interest equal to the usual rates antecedent to the Statute of Usury, and five per cent. interest from that period. Upon that new basis the whole account was adjusted and brought down to the 29th September 1820, when the debt so calculated due from the hospital appeared to be 28,970 *l.* 8 *s.* 6 ½ *d.* instead of 44,494 *l.* 2 *s.* 6 ½ *d.*, being a balance of 15,523 *l.* 14 *s.* in favour of the hospital. It appears to us, however, that this account cannot yet be considered as put upon a right footing, for the error, which has been conceded to have existed in the old mode of keeping the account, took its rise at the time of striking the balance in 1781, and there appear to us no good grounds for charging a greater rate of interest than had been actually carried to account previously to that period, in consideration of the correction of an error committed subsequently to it. If this be a correct view of the case, the debt of the hospital will be considerably diminished, beyond the reduction already agreed to.

The principle on which we have calculated the debt may be stated as follows:

	£.	s.	d.
On the 29th September 1781 the debt was	27,160	8	6 ½
Of which the principal sum was	4,160	–	–
Leaving for the accumulation of interest at that period £.	23,000	8	6 ½

Five per cent. interest on 4,600 *l.* for 39 years, to the 29th of September 1820, is 8,112 *l.*

So that the debt would stand thus:

	£.	s.	d.
Principal debt	4,160	–	–
Interest up to 1781	23,000	8	6 ½
Interest to 1820	8,112	–	–
£.	35,272	8	6 ½

From this must also be deducted a cross debt of 400 *l.*, due from the corporation to the hospital, mentioned in the Reports of the Charity Commissioners as the donation of Alderman Farmer, incurred in 1762, for which interest had been allowed in the corporation books, both before and since the visit of the Charity Commissioners, at five per cent., the amount of which, in 58 years, is 1,560 *l.*; and 12,884 *l.*, the amount of various payments made by the hospital between 1781 and 1820, in reduction of the interest account. The balance due on the 29th September 1820 is thus reduced to 20,828 *l.* 8 *s.* 6 ½ *d.* instead of 28,970 *l.*, being a farther decrease of 8,142 *l.*; and as there has been no subsequent change in the manner of keeping the account, that is the amount by which, as it appears to us, the nominal debt of the hospital ought now to be reduced. It seems to us that the corporation have an undoubted right to the highest rate of legal interest since 1781, because, although they had actually charged less, that may have been agreed to, on the ground then taken, that they were entitled to calculate interest on the larger sum, which argument is inapplicable before 1781.

Mayoralty House.

The next item on which anything occurs worth notice, beyond the notes to the Average Account, is the Mayoralty House. The expenditure under this head in 1831 and 1832 greatly exceeds the average here stated, having been 1,184 *l.* in 1831, and 1,899 *l.* in 1832. A main part of this expenditure is owing to the riots of 1831, when the mansion-house was entirely pillaged.

Swivel Bridge.

The Swivel Bridge across the floating harbour has been brought into the account, at an average of 14 years, because a shorter period would give an inaccurate notion of the expense connected with it. It was formerly a drawbridge, but was altered to its present form in 1827, at a cost of 1,930 *l.*

Mayor's Chapel.

The restoration of the Mayor's Chapel has been for some years a source of considerable expense to the corporation. The average account is higher than the future expenditure connected with it is expected to amount to. It is thought that the permanent annual charge, consisting chiefly of salaries to the chaplain, organist and others attached to the chapel, and of ordinary repairs, will not much exceed 320 *l.*, the amount actually paid in 1832. The sum paid on this account in the four preceding years was 5,563 *l.*, so that the extraordinary expense in those years may be taken at 4,383 *l.*

Council House.

The Council House was built in 1827, at an expense exceeding 14,000 *l.*

Ordinaries and Extraordinaries.

As the two heads of Ordinaries and Extraordinaries appear to require some additional explanation, we have procured the annexed accounts of the sums carried to those heads in the three years 1830, 1831 and 1832, from which the general nature of them may be apprehended.

PARTICULARS of ORDINARIES, abstracted from the Journal of the Corporation of *Bristol*, for the Years 1830, 1831 and 1832.

	1830.			1831.			1832.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Gaol delivery and assizes	269	–	–	165	–	–	48	–	–
Recorder and members	346	–	–	371	–	–	266	–	–
Gaol	56	–	–	53	–	–	64	–	–
Master of grammar school, lectures and infirmary	127	–	–	240	–	–	219	–	–
Insurances	74	–	–	74	–	–	58	–	–
Stationery, printing, advertising and newspapers	309	–	–	313	–	–	502	–	–
Repairs, taxes and abatements	302	–	–	708	–	–	655	–	–
Stamps	52	–	–	30	–	–	46	–	–
Rent	63	–	–	63	–	–	65	–	–
Police and other officers' apparel, &c.	82	–	–	162	–	–	172	–	–
Salaries to chamberlain's clerks	178	–	–	175	–	–	193	–	–
Architect and surveyors	50	–	–	267	–	–	50	–	–
Wine to high steward	82	–	–	—			—		
Disbursements	55	–	–	64	–	–	67	–	–
Law charges	–	–	–	1,017	–	–*	573	–	–
Sundries	283	14	6	372	15	9	393	8	–
£.	2,328	14	6	4,074	15	9	3,371	8	–

PARTICULARS of EXTRAORDINARIES, abstracted from the Journal of the Corporation of *Bristol*, for the Years 1830, 1831 and 1832.

	£.	s.	d.
Year 1830:			
Expenses erecting weighing engines, &c., building party-wall and water bailiff's office	114	–	–
Subscription towards building new church, Bedminster	100	–	–
Expenses proclaiming the King	240	–	–
Subscription towards relief of poor at Pill	10	–	–
Sundries	101	3	8
	565	3	8
Credit for sundries	26	2	–
£.	539	1	8
Year 1831:			
Grant of money to various persons for falling back and re-fronting their premises, to make public improvements	447	–	–
Expenses on account of arching over weir	368	–	–
Expenses celebrating the coronation of His Majesty	215	–	–
Law charges	415	–	–
Sundries	140	8	3
	1,585	8	3
Credit for sundries	41	16	–
£.	1,543	12	3
Year 1832:			
Expenses arching over weir	720	–	–
Corporation's subscription for life-boats	20	–	–
Grant of money to various persons for falling back and re-fronting their premises, to make public improvements	124	–	–
Expenses of a deputation to London in 1830, to congratulate His Majesty on his accession	90	–	–
Subscription towards erecting a church at Frenchay	100	–	–
Expenses on account of His Majesty's troops, occasioned by the riots	437	–	–
Gratuity to a person for apprehending escaped felons	50	–	–
Expenses of two extra gaol deliveries in the years 1830 and 1831	260	–	–
Law charges	3,588	–	–
Sundries	330	17	5
	5,719	17	5
Credit for sundries	232	14	5
£.	5,487	3	–

The

* Two years.

The large amount of law charges in 1832 is principally owing to the costs of defending the case of *R.* v. *Pinney*, which was a prosecution for alleged misconduct of the mayor during the riots. They amounted to 2,470 *l.* Law Charges.

We cannot conclude this notice of the corporation revenue without bearing testimony to the admirable manner in which the books are kept. The accounts are kept by double entry, and a separate rent ledger is used, in which an account is opened with each tenant, the balance only being transferred to the general ledger. The books are annually examined by a committee, which, in form, is a committee of the whole house, but practically, the accounts and vouchers are examined by two or three only. The audit is signed only by those who go through the whole, for which laborious duty they are entitled to divide the sum of 3 *l.*, left by Alderman Kitchen, as a remuneration for that service. They receive nothing beyond this. Accounts.

11. The corporation hold in their own right the following advowsons: PATRONAGE.

In the City of Bristol:

Christchurch and St. Ewen.	St. Paul.	City Livings.
St. James.	St. Peter.	
St. John and St. Lawrence.	St. Philip and St. Jacob.	
St. Michael	Temple.	

In Somersetshire:	In Gloucestershire:	
Stockland, V.	St. George's, V.	Country Livings.
Portishead, R.		

A new district church has been built in the parish of St. Philip and St. Jacob, and the corporation claim a right to present to it as soon as the parish is divided.

They also present to two Lectureships in the city, one in St. John, the other in St. Nicholas. Lectureships.
The value of this patronage cannot easily be ascertained, as it is not the practice of the corporation to sell the presentations which they hold in their own right. St. Paul is considered the most valuable of the city livings, but all of them depend very much on surplice dues and Easter offerings. Two of them, St. John and St. Peter, have, it is said, a little glebe attached to them.
No individual patronage is exercised by the members of the common council, each vacancy being filled up by a vote of the entire body.

12. We have yet to mention several other corporate bodies in Bristol, more or less connected with the civic corporation. CORPORATION OF THE POOR.
The management of the Poor of the city of Bristol is vested in a corporate body, first established by Act of Parliament 7 & 8 Will. 3, c. 32. Its history to the present time may be thus briefly traced. 7 & 8 W. 3, c. 32.

The corporation under that Act consisted of the mayor and aldermen for the time being, and 48 inhabitants, being four from each of the 11 wards of the city, and from the Castle Precinct (which was thenceforward made a ward), chosen, at a court held by each alderman or his deputy, in his ward, by the votes of the inhabitants of that ward rated at 1*d.* per week. Two of the four from each ward were replaced in succession in every second year. Original Constitution.

The Title of the corporation was the Governor, Deputy Governor, Assistants and Guardians of the Poor in the City of Bristol. The governor, deputy governor and 12 assistants were to remain in office during the year, or until displaced for just cause by a majority of the whole corporation. Power was given to the corporation to make bye-laws for their government, to purchase hospitals, workhouses and houses of correction, to maintain and support poor children, and to punish paupers for not conforming to the regulations. This last power might be delegated to a committee of not less than 21 guardians, of whom five, including two assistants, might act. Title. General Powers.

The hospital, workhouse and house of correction were to be built by a Rate, not exceeding 5,000 *l.*, in three years, and the poor to be maintained by a rate, not exceeding the largest rate that had been made for three years then next before, to be certified under the corporate seal to the mayor and aldermen of the city. The mayor and two aldermen, or five aldermen without the mayor, were to apportion the rate to the several parishes, and cause the same to be levied by the churchwardens and overseers, with a power of appeal to the justices for the city at the next quarter sessions. The mayor in office at the time of obtaining this Act showed great hostility to the corporation of the poor, and during two whole years prevented any warrant from issuing for the levy of a rate, which led to the introduction of a clause in the Tiverton Workhouse Act, 10 Will. 3, c. 18, by which the corporation of the poor of Bristol were empowered to issue warrants to the churchwardens and overseers for levying the assessments certified under their common seal, in case the mayor and aldermen should neglect or refuse to do so for 20 days; and in case the churchwarden and overseers should for 20 days disobey the warrant, either of the mayor and aldermen or of the corporation of the poor, to levy the assessment by distress and sale of the offender's goods. Method of making the Rate. 10 W. 3, c. 18.

12 Anne, c. 15. Another Act was passed in 12 Anne, c. 15, the principal object of which was to remove the restriction on the rate, which had been limited to 2,376 *l.* 16 *s.* 5 *d.*, but which by the Act in recital might be raised as high as 3,500 *l.*

Churchwardens made Guardians. The corporation had experienced much opposition from the parochial officers, and by this same Act the Churchwardens of each parish were thenceforward constituted Guardians, and incorporated with the others.

4 G. 1, c. 3. Fines for not accepting Office. In the 4th year of Geo. 1, c. 3, another Act was obtained, imposing penalties on such as should refuse, when elected, to take on them the offices of the corporation. The Fines were, 50 *l.* for refusing to be governor; 25 *l.* deputy-governor or treasurer; 15 *l.* assistant; 10 *l.* guardian, unless possessing some legal or customary exemption. No one who had paid a fine was liable to a second fine during six years. Reciting also the great inconvenience resulting from the addition of so many guardians as were added by 12 Anne, the clause in that Act appointing the churchwardens of each parish to be guardians was repealed as to the junior churchwardens. The senior churchwardens were retained, and were made the paying guardians, each in his own parish, being accountable every quarter to the corporation.

Junior Churchwardens no longer Guardians.

Power of Re-assessment for defaults. An important clause appears for the first time in this Act, That in case of losses of the monies to be levied, by the insolvency of the churchwardens, or by some other means, the mayor and aldermen, as before, might issue their warrant on the parish or precinct in which the loss had occurred for re-assessment of the same.

18 G. 2, c. 38. In 1745, another Act wss obtained. The principal provisions of it are, to authorize the corporation of the poor to levy 2,000 *l.* for payment of their debts; to provide for the verification of the accounts of the treasurer, on oath, and the public inspection of them; and to alter the method of choosing the assistants, who were to continue thenceforward during two years, six retiring annually in succession. It does not appear how this was reconciled every second year with the unrepealed provision of the original Act of Will. 3, requiring a new election of the whole body of guardians every other year. Possibly the Act was construed as imperative on the wardmotes, to whom the six junior assistants belonged, to re-elect them guardians at the general election.

31 G. 2, c. 56. Another Act was obtained in 1758 for enlarging the powers of 18 Geo. 2, c. 38, of which we have not been able to procure a copy, and we are therefore unable to state the provisions of it.

43 G. 3, c. 140; 46 G. 3, c. 26; 46 G. 3, c. 35. The Bristol Dock Acts, passed in 1803 and 1806, and the Paving Act of 1806, contain clauses affecting the churchwardens and overseers of the poor, but do not relate to the corporation of the guardians, and need not be farther mentioned here, especially as those clauses, and all the previous Acts relating to the guardians of the poor, were repealed (except as to the Castle Precinct remaining a ward) by an Act passed in 1822. By this Act the corporation, under its old title, consists of the mayor and aldermen, four persons chosen from each of the 12 wards for four years, two being elected every second year at wardmotes in each ward, by the votes of all persons rated for lands and tenements in their own occupation there, and of the senior churchwardens of the 18 old parishes wholly or partly within the city. No part of Clifton or Bedminster is included in the Act. By a subsequent Act, in 1831, the senior overseer of the Castle Precinct, in which are no churchwardens, has been also added, carrying the whole number of guardians, since 1831, to 80; viz.

3 G. 4, c. 24. Constitution.

1 W. 4, c. 4.

Mayor and aldermen - - - - - - -	13
Wardmote guardians - - - - - - -	48
Churchwardens and overseers - - - - - -	19
	80

The only other provisions of 1 Will. 4, c. 4, were to make the Lunatic Hospital, purchased under it, part of the county of Bristol, and to raise the fine for refusing to hold office.

The corporation thus consists of three classes: the aldermen, who are members for life; the wardmote guardians, who are members during four years; the mayor, churchwardens and overseers, who are changed annually.

A treasurer and clerk are elected annually, but form no part of the corporation. The same persons are generally rechosen.

Disqualification of Guardians. In case of the insolvency or bankruptcy, refusal to act, or disqualification, by mental or bodily infirmities, of a Wardmote Guardian, the ward is to proceed to a new election to supply his place; but this disqualification does not extend to the mayor, aldermen or senior churchwardens.

Powers of General Assembly. A General Assembly of the corporation is held every two months, or oftener if necessary, in which are vested the powers of making bye-laws for the government of the corporation, and execution of the Act. No alteration in the bye-laws to be made without notice, or unless two-thirds of the persons present agree in it. Power is given to appoint committees, and to summon any of the inhabitants of the city before the general assembly, or any committee, by writing under the hand of the governor or deputy governor, to be examined relatively to the purposes of the Act.

The

The governor, deputy governor and 12 assistants, are to be chosen, as before, annually at a general meeting; but the Act provides that the six junior assistants of each year, if living, and not chosen governor or deputy governor, shall be re-elected. We understand that this clause is not strictly followed in practice, and that the deputy governor, who is the real effective head of the corporation, recommends a list for Election, which is almost always adopted, and does not always contain the six junior assistants of the last year. Election.

	£.
The fine for refusing to take the office of Governor was raised to - -	100
— Deputy Governor - - -	50
— Assistant - - - -	30
— Guardian - - - -	20
This last fine has been since farther raised, by 1 Will. 4 to - - -	40

but the mayor and aldermen are excepted from being liable to it. After paying the fine, the party is not liable to it again during 10 years. These fines are now found sufficient, in most cases, to enforce acceptance; but in consequence of the duties being very burdensome, and fines for non-attendance numerous, it was often a less sacrifice, before the last increase of the guardian's fine, to pay the fine for non-acceptance than to incur the risk of those for non-attendance. Several pounds are often paid at once for non-attendance.

The mayor and aldermen, although members of the corporation, take no part in the management of it. Only one instance was mentioned to us of any number of them having attended a general meeting, which was at a contested election for the governorship.

The Rate necessary for the year, including the arrears of any preceding rates uncollected, for any reason other than the fault of the churchwardens or overseers, is certified by the corporation to the justices at the Easter quarter sessions for the county of Bristol, at the same time with the accounts of the preceding year, which are afterwards published. The justices thereupon make an order for any sum, in their discretion, not exceeding the certified amount; and the mayor and two justices, or five justices without the mayor, apportion the rate allowed upon the respective parishes and precinct: any two justices may then issue warrants for its collection. Arrears uncollected, by the fault of the churchwardens or overseers, remain as a charge on the particular parish or precinct. If the justices neglect to issue the warrants for 10 days, the corporation of the poor may issue their warrants to the like effect. Rate, how levied.

The churchwardens of the parishes and overseers of the precinct assess the individual rates, and hold an annual meeting for appointing collectors, and to settle the amount to be paid to them, voting in proportion to the sums assessed on their respective parishes and precinct; or, if they neglect to do so, those powers may be executed by the corporation of guardians. The rates so made are allowed by the justices of the city in petty session, who also, on application and notice to the senior churchwarden or overseer of the precinct, may reduce or discharge the applicant's assessment, with a power of appeal to the justices in quarter sessions.

For the purpose of the apportionments required by the Act, a general survey of the city was directed to be made, which was done accordingly. The Act requires it to be repeated every seven years; but as the cost amounted to 1,500 *l.*, this has been disregarded, and no second survey has taken place. The parish officers persist in disregarding the survey in their individual ratings, and adopt different nominal scales of rating in their various parishes; but as this last practice, which is simply absurd wherever it is not fraudulent, affects every individual equally, and cannot alter the whole amount assessed on each parish by the justices, no other mischief than complexity is occasioned by it. Were it not for the general survey, the same kind of fraud would be occasioned, or at least attempted by it, that attends the same practice in country parishes with respect to the county rate, when that is not made on a general valuation.

The corporation of the poor are about to apply for an Act, divesting the power of rating altogether from the parish officers, who exercise it in a very irregular manner. The power which the justices in petty session possess of reducing or discharging the assessments seems also to lead to much irregularity. It was stated, in a memorial to the common council in 1832, that out of 9,700 poor-rate assessments, 2,500 had remained uncollected in the year ending March 1831, and that this number appeared likely to increase. Thirty-one certificates for excusal, signed by the minister and churchwardens, had been presented from one parish on behalf of occupiers of tenements, the united rental of which amounted to 500 *l.*, each varying from 11 *l.* to 26 *l.*

The annexed Table shows the whole value of the city as ascertained by the survey, the estimated proportion of each parish, according to the justices in 1832, the rate assessed, the nominal rate in the pound, according to the justices' apportionment, and the real rate in the pound, according to the valuation in the survey.

Survey and Rate of the City.

SUMS apportioned to the Parishes for the Relief of the Poor, from the 25th March 1832 to the 25th March 1833; viz. 29,000 *l.*, and Arrears, 3,519 *l.* 9 *s.* 8 *d.*

SURVEY.	Rated Value.	PARISHES.	One Year's Rate.	Nominal Rate on £. 1.	Real Rate on £. 1.
£.	£.		£. s. d.	s. d.	s. d.
3,908	1,455	All Saints	693 1 4	9 6½	3 6
3,143	1,151	St. Leonard	546 5 3	9 6	3 6
2,880	1,315	St. Mary-le-Port	504 14 9	7 8	3 6
4,487	2,244	St. Werburgh	784 10 6	7 –	3 6
11,160	5,608	St. Nicholas	1,911 14 5	6 10	3 5
6,462½	3,324	Castle Precincts	1,130 8 –	6 9¾	3 6
8,055	4,244	St. Philip and Jacob	1,402 13 11	6 7½	3 5
5,778½	3,117	St. Peter	1,012 16 3	6 6	3 6
6,598	4,430	Christchurch	1,157 3 7	5 5½	3 6
14,678	9,637	St. Mary Redcliffe	2,563 11 1	5 4	3 5
10,937	7,419	Temple	1,914 9 2	5 2	3 6
1,457	1,104	St. Ewen	279 10 10	5 1	3 3
13,125	8,651	St. Stephen	2,187 5 8	5 –¾	3 4
21,042	14,848	St. James	3,677 16 9	4 11½	3 9
27,925½	20,189	St. Augustine	4,888 4 10	4 10	3 7
9,504½	7,035	St. Michael	1,664 4 11	4 9	3 6
8,844½	6,623	St. Thomas	1,550 17 10	4 8½	3 6
20,731½	15,867	St. Paul	3,627 10 7	4 7	3 6
5,829	4,868	St. John	1,023 9 10	4 2½	3 6½
	123,129		32,519 9 8		

£. 186,606 | at 3/6 in the pound will produce - £. 32,656 – –

PROPERTY NOT RATED.	ANNUAL VALUE.
	£. s. d.
Council house	275 – –
Tolls of the horse and cattle fair	5 – –
Tolls of the fair held in St. James's church yard	80 – –
Custom-house	150 – –
Half of the horse and carriage tolls of Prince's-street bridge, one half of the bridge only being in the city	40 – –
Half of the foot tolls of ditto	60 – –
Tolls of Temple fair	25 – –
Tolls of Totterdown toll-house	80 – –
Tolls of Thomas-street market	120 – –
The Bristol Docks	3,000 – –
Property not rated	3,985 – –
Property rated	186,606 – –
Total Valuation of Survey £.	190,591 – –
Property not rated, nor in the valuation; viz.	
Gas-light rents £. 10,548 – –	
Ditto compositions 3,907 – –	
	14,455 – –
Total Value £.	205,046 – –

Other Property not included in the Valuation:

Churches, chapels, meeting-houses, charity-schools, almshouses, poorhouses, hospitals, public charitable institutions, the guildhall, city pounds, public burying grounds, bridewell prison. Also parts of certain houses which stand on the boundary line of the city, but which have not been rated therein, the front or principal entrance being out of the city.

The

The corporation of the poor act in some cases with the authority of magistrates. They have the power of compelling any vagrant to inhabit the workhouse, and to detain him there whilst, in their opinion, he is unable to maintain himself; and it seems that a power of imprisonment for misbehaviour, or even for insolence towards the officers of the corporation, is not unusually exercised.

The city magistrates may direct his discharge from custody, which appears to be the only occasion on which they can interfere with the management of the poor in the character of justices.

The corporation of the poor claim the right, in their discretion, of refusing to give relief on a magistrate's order.

The rates certified vary exceedingly from year to year, as the system of management alters, which is almost a necessary consequence of the fluctuating nature of the corporation.

The labour of the management may be inferred from the number of the poor: there are generally more than 500 in the workhouse, and from 4,000 to 5,000 out-poor.

It was stated to us, that in one year the deputy governor had given 500 attendances, some of six or eight hours each. He receives no salary, nor do any of the guardians, who have all onerous duties to discharge, although less burdensome than those of the deputy governor, The burden is felt very severely in the small wards, which contribute the same number of guardians as the largest.

The wardmote elections, as it seems, are not much attended by the citizens, and the nomination of guardians rests chiefly with the select vestries. They are said to appoint those who are obnoxious to them in their parishes, either on political or other grounds. If this be correct, it shows in a strong light the apathy of the inhabitants, who have it in their own power to remedy the evil complained of, by attending the meetings at which guardians are elected. But the hardship is also great upon the persons said to be thus invidiously chosen; and it is certain that a body like a select vestry, the members of which are always in the habit of acting in concert, possesses great advantages over the scattered and disunited inhabitants of the parish at large, if disposed to avail itself of them.

Select Vestries.

There are Select Vestries in all the parishes within the city of Bristol, which appear to have existed as far back as the parish records go. They elect all their own members except the churchwardens, who, on going into office, take a seat at the vestry of their parish, and remain in it afterwards. We are informed that much influence has been exercised by the select vestries in the election of Members of Parliament for the city; and this influence is the more systematic, as they consist for the most part of persons of the same political party. The vestries are in some cases trustees of charities, and their power is of course augmented by having in their hands the distribution of charity money.

The number of members is not considerable in any of these vestries. In the parish of St. Mary-le-Port the vestry consists of 14 or 15; in St. Philip and Jacob, of 25 or 30; and the population of the in-parish of this name is 4,000.

Assessments for 20 years.

The Assessments of the last 20 years are given below, with the number of out and in-poor relieved in each of them, besides vagrants and occasional poor.

These assessments do not include the arrears of the preceding year, which are always allowed by the magistrates at the same time.

Year.	Assessment.	Out-Poor.	Paid to Out-Poor.	In-Poor.
	£.		£. s. d.	
1813 - -	16,000	2,513	9,816 9 11	402
1814 - -	16,000	2,388	9,641 2 7	378
1815 - -	15,500	2,787	10,236 15 11	388
1816 - -	15,500	5,395	13,315 5 –	389
1817 - -	20,500	5,672	16,175 12 10	423
1818 - -	27,500	5,521	13,928 5 5	431
1819 - -	27,500	5,973	15,336 3 5	425
1820 - -	24,000	6,582	16,366 4 11	420
1821 - -	23,000	6,824	16,925 19 3	434
1822 - -	24,500	6,313	16,126 17 4	444
1823 - -	30,000	4,446	11,493 13 10	467
1824 - -	20,000	4,637	12,558 6 8	533
1825 - -	18,000	5,623	13,494 4 –	530
1826 - -	26,000	6,068	15,996 7 11	543
1827 - -	36,000	5,467	14,297 16 8	521
1828 - -	32,000	3,877	12,756 13 3	564
1829 - -	25,000	3,969	13,506 4 4	548
1830 - -	24,000	4,218	15,083 10 8	555
1831 - -	27,000	4,828	17,567 19 11	565
1832 - -	29,000	5,404	21,202 18 11	462

Besides the rates the corporation of the poor also derive income from some landed property, principally at Pill and Shirehampton, the greatest part of which was bought at an early period of their history, and, as it appears, on speculation. It is almost all let on seven years' leases. Members of the corporation of the poor are never allowed to become tenants. The annual rental of this property is about 207 *l.* They have also reserved rents, amounting to 4 *l.* 10 *s.*, on three houses in Bristol, leased for long terms. The premises purchased under 1 Will. 4 are at present let to the corporation of the city at an annual rent of 200 *l.*

Society of Merchants:

13. Another corporate body now existing in Bristol is the Society of Merchants Venturers, which is unquestionably derived from the Old Merchant Guild of the freemen of Bristol, who formerly claimed an almost exclusive right of trading to the town.

Guilds of the City, Temp. John.

The charter of John Earl of Morton, which has been already quoted, granted to his burgesses there that they should have all their reasonable guilds as they had used.

Inquisition touching the Guild of Merchants. Temp. Edward 1.

In the Inquisition of the liberties of Bristol taken in the 13th year of Edward 1, one of the findings is, that although it was granted to the good men of Bristol, that no foreign merchant should stay there with his wares for sale beyond 40 days, and no stranger sell to another stranger, &c.; yet that merchants did come from Waston and (Waydary ?) contrary to the charter, to the damage of the town, and no small burden on the burgesses. Complaints of this kind were frequently repeated.

Ordinances for the Merchants Adventurers, Temp. Edward 4.

In the seventh year of Edward 4, the Merchants Adventurers by that name petitioned the mayor and council respecting the breaches of their ordinances;* and thereon it was ordered in council,† among other things, concerning four merchandizes used in Bristol, viz. meteoyl, wool-oyl, iron and wax, that the mayor and burgesses should annually call a council 15 days after Michaelmas, and choose one who had been mayor or sheriff to be master of the fellowship of merchants for the year following; and choose two merchants at large for wardens, and two bedells and brokers to attend on them; and that rules were to be made for the prices of the four merchandizes, &c., on penalties, half of which was to go to the society and half to the chamber of the city. At this time it is obvious that the merchants adventurers were in complete subordination to the civic corporation.

Incorporation of the Merchants Adventurers by Charter of Edward 6.

Edward 6, by Charter, granted 18th December, in the 16th year of his reign, reciting that artificers and handicraftsmen (who were never apprenticed or brought up to the recourse or trade of the art of merchants) used to exercise the same in strange ships, to the defrauding of the King's custom, and of the merchants, and to the decay of the navy and the port, incorporated the freemen of the city of Bristol, using the art or mystery of merchants venturers, by the style of the Master, Wardens and Commonalty of Merchants Venturers of the City of Bristol, granted that they should choose and have a master and two wardens of the mystery, who should be sworn before the mayor and aldermen, and have power to make ordinances for the profitable government of the said mystery and the men of the same, and such only as did touch and concern the said mystery; but not in prejudice of the royal prerogative, or of the mayor of Bristol, or any of the royal charters, or of the society of merchants trading to the coast of Holland, Zealand, Brabant, Flanders and the parts adjacent; and that none should practise the art of merchandize in the city of Bristol except such as were admitted into the said society, or otherwise apprenticed, or had used the mystery for seven years.

Charter of Elizabeth.

This Charter was confirmed by inspeximus of the 8th July, 8 Elizabeth.

Confirmation in Parliament, 8 Elizabeth.

In the same year an Act of Parliament passed, which, reciting the charters of Edward and Elizabeth, and that the merchants adventurers had aided the queen with 25 ships for the defence of the realm, confirmed the privileges granted to the corporation of the merchants adventurers, and enacted against any who should exercise the recourse of merchandize beyond the seas unless admitted into the society, or else serving or apprenticed to the mystery within the city for seven years, the penalty of forfeiture of all the goods and merchandizes so trafficked in, one moiety to the Crown, the other to be divided between the society and the civic corporation: Power was also given to the society of merchants to expel any one of their society who should use any other trade or profession than that of a merchant only.

Repeal of 8 Elizabeth by 13 Eliz. c. 22.

This Act was produced to us as being still in force: it was however repealed by 13 Eliz. c. 22, (of which a copy is sent with this Report, which recites "that no manner of benefit or commodity appeareth to grow by the said Act to the commonweale or otherwise to the universall state of the said cities of Bristoll, according to the supposal of the said Act, but contrariwise."

Regulations of 1605.

The next notice we have found of the merchants adventurers is in the Council-book of the civic corporation, 31st December 1605. On that day it was agreed, that the merchants adventurers of the city of Bristol should exempt themselves from the company and government of the merchants adventurers of London trading into Spain and Portugal, and that there should be a company of merchants adventurers of the city of Bristol, to be governed amongst themselves by such orders as should be set down by the mayor, aldermen and common council, and according to the charters of the city, and by the masters, wardens and community and corporation of merchants within the city of Bristol:

That every burgess of the city, desirous to be of the company and to use the trade of merchandize, should be admitted on payment of 20 *s.*, if applying within a year, or else should

* Great Red Book, f. 231. d. † f. 210.

should pay such sum for his admittance as should be paying in like case in London, except members of the council, who were to pay only 20*s.* whenever they should apply to be admitted; and those already free of the company were to pay only 6*s.* 8*d.*; and all sons made apprentices of the freemen brought up to merchandize were to pay only 6*s.* 8*d.* at any time.

In these regulations appears to be the germ of the modern distinction made by the society in favour of apprentices serving their fathers.

It deserves to be noticed that the continuous records of the society of merchants begin from this same December 1605, and refer to it as the year in which, after much debate, the society had been re-established*.

From this it may probably be inferred that the society at this time had fallen into decay or disrepute, and that by the interference of the corporation, and by the infusion of new members, its condition was at this time restored.

Ordinances of 1612.

In April 1612 the common council granted licence to the society to make Ordinances according to their charter, that none of their company should use any trade but that of a merchant, and that none should use the trade of a merchant adventurer in the city but such as were of the company; and in the following August the ordinances made in conformity with this licence were submitted for consideration and approval to a committee of the common council. This is the last trace we have found of direct authority exercised by the common council over the society.

First Charter of Charles 1.

Charles 1, by Charter, dated 7th January 1638, containing an inspeximus of the charter of Edward 6, and reciting the charter of Elizabeth, but making no mention of the intermediate Acts of Parliament, confirmed the two previous charters, with additions and alteratons; and granted also that there should be in the society, besides the master and wardens, 10 assistants; and restricted the power of making ordinances and enforcing penalties to the master, wardens and assistants, or a majority of them, of whom the master and one warden were to be two; all such penalties and fines to be levied to the sole use of the society of merchants venturers; so, nevertheless, that the ordinances be not to the prejudice of the prerogative, &c., or of the mayor of Bristol, or of the society of merchants adventurers to Holland, &c.

Election of Master, Wardens and Assistants.

By this Charter the Master, Wardens, Assistants and Commonalty were to meet annually on the 10th of November in their merchants'-hall, and elect one of the commonalty to be master, two of the assistants to be wardens, and 10 of the more discreet men of the society, to be assistants for the following year. The master and wardens were to be sworn before the master and wardens of the preceding year, or any two of them. Power was given to the whole society to remove any of the assistants for misbehaviour, and to elect others.

Second Charter of Charles 1.

The last Charter granted to the merchants is dated at Oxford the 22d December, 19th Chas. 1. After reciting the incorporation of the society of merchants in his former charter by the style of Master, Wardens, Treasurer and Assistants of the Company of Merchants Venturers (which is a misrecital of the title by which they are therein named), "in consideration that the merchants of Bristol have expressed their loyalty and fidelity to us in these late times of difficulties, when even the citizens of London and the merchants thereof, who have enjoyed many more privileges and immunities for the advancing of a free and complete trade into all foreign parts, have forgotten their duty unto us, and many of them have traitorously rebelled against us," it grants unto the said master, wardens, treasurer and assistants of the company of merchants adventurers of Bristol, and their successors, that they may have a free trade whithersoever the Eastland or Russia companies of London might trade, and to the Hanse Towns, and to all places in the Levant where the merchants of the Turkey company might trade, and to the dominions of the King of Denmark and Great Duke of Muscovy. This was confirmed by inspeximus of the 19th year of Charles 2.

Charter of Charles 2.

The second Charter of Charles 1 did not affect the constitution of the society, which is therefore now established under the authority of the charter of 1638.

It appears very clear that in all these grants the merchants adventurers are treated exclusively as a trading company; and it may be reasonably doubted whether there was any intention of emancipating them from the general authority which, without question, the civic corporation formerly exercised over them. The reservation, that none of their ordinances should be in prejudice of the mayor, or of any of the franchises conferred by the royal charters, seems expressly to negative any such idea.

Almost the only part of this charter which the merchants now observe strictly is in the care which they take to elect none into the society who are not already freemen of the city.

Election of Master, Wardens and Assistants.

The mode in which the officers of this corporation are actually elected is as follows: The election of the Master and Wardens is preserved to the whole society; but it is said that the master must be one who has been master, warden or assistant, a restriction unwarranted by anything that is found in the charter. The present master nominates one such candidate, the wardens and assistants one, and the commonalty one, and from these three the election is made by a majority of the whole society present.

This mode of election has been obviously imitated from the manner of electing the mayor.

The

* We were allowed to see this entry: a copy was afterwards refused to us, but the purport of it was stated to us in a letter from the Society.

The wardens, by the charter, are required to be chosen from the assistants; this direction is followed: two candidates are nominated separately by the master, the wardens and assistants, and the commonalty, and from these the wardens are elected by a majority of all.

The assistants are required by the charter to be 10 of the more honest discreet men of the city, chosen by the master, wardens, assistants and commonalty.

The assistants are actually nominated by the master alone; he is to be one himself; he names four of the late assistants to be other four, and 10 of the commonalty, from whom he draws by lot the remaining five.

The other officers are, a treasurer, who is re-elected annually by the whole society, and who is always one of the commonalty; a clerk, who acts as secretary and solicitor, and is not a member of the society; a beadle, who summons the members to the hall and acts as bailiff to their estates; and a collector of certain wharfage dues, in general the same person who is appointed by the corporation of the city to be collector of town dues.

Bye-Laws and Orders.

During the same time that the elections have become more close, the powers granted by the charter to the officers elected have been thrown more open to the whole society, or at least have not been withdrawn from it, supposing it to have always exercised them, which perhaps is the more probable hypothesis. The power of making ordinances, which by the charter of Edward 6 was given to the society at large, was restricted by that of Charles 1 to the master, wardens and assistants; but that body now acts only as a committee of management, and all the votes and proceedings of its monthly meetings are subject to the approval or rejection of the meeting of the whole society, which is held annually, or on any special occasion. The ordinary meetings of the master, wardens and assistants are held monthly.

No salaries are paid to the master, wardens, treasurer or assistants, nor does any pecuniary benefit accrue to any members of the society, except the exemption which they allow on exports shipped by their own members from the wharfage dues, which they hold on lease from the civic corporation. A hogshead of wine is given annually by the society to the treasurer, and also to the representatives of the city in Parliament.

Admission of Members.

The right of Admission into the Society of Merchants, according to their present regulations, is obtained in three ways: by birth, by apprenticeship, and by purchase.

Every son of a merchant venturer, born after his father became a member, is entitled, by birth, after taking up his own freedom of the city, to be admitted into the society of merchants. No necessary qualification exists with respect to the trade or profession actually exercised by him. The only refusal to admit, on that ground, was on the application of a clergyman. This claim was dismissed by the society, and finally rejected. One of the present members of the society has taken orders since he entered it, without ceasing to be a member. He has never attended any meeting, or taken any part in the proceedings of the society, since his ordination.

Those who claim to be admitted by apprenticeship must have served a merchant venturer, for seven years, in a mercantile capacity. The indentures are enrolled at the town clerk's office, being, in fact, the same under which the apprentice claims his freedom of the city, which he must take up before he can be admitted into the society.

A restriction, for which we find no warrant in the charters of the society, has been introduced into the admission by apprenticeship. Proof is required that a premium of 300 *l.*, at least, has been paid with the apprentice, unless the service has been to the father or uncle, in which case no premium is requisite.

Those who are admitted by purchase are called redemptioners: there is no restriction on them but that they must be freemen. The present fine for admission by purchase is 200 *l.* Instances of admission by purchase are very rare.

They also occasionally admit honorary members; but in this case the privilege is understood not to be continued to their families. There are now eight honorary members.

The ordinary members of the society may be classed as under:

Those who have filled the office of master - - -	26	Of whom are of the common council of the civil corporation - -	9
Those who have been wardens - - - - -	23		5
Those who have only filled the office of assistants -	8		1
Those who have yet borne no office - - -	25		–
TOTAL Number of the Society - - -	82		15

Functions of the Society.

The Society has long ceased to be a trading company: the members of it are of all professions indiscriminately. They do not now exercise any authority whatever over the other merchants of Bristol; but they adhere so far to the spirit of their original institution, that they consider themselves incorporated for the purpose of watching any public proceedings relative to the port and trade of the city, and of interposing with their collective influence accordingly as they judge these to be advantageous or otherwise. On such occasions, they correspond with other public bodies, petition the Legislature, and memorialize the officers of the Executive Government.

The superintendence exercised by them over the pilots of the Bristol Channel has been already mentioned.

They are in their corporate capacity, and independently of any subscription of money towards the undertaking, proprietors of the Bristol dock company, but not beneficially interested in the dividends, unless as subscribers. The master and eight others of the society, nominated by themselves, are nine of the 27 directors of the company. Under the 16th Geo. 3, c. 33, intituled, "An Act to remove the Danger of Fire in the Port of Bristol,"

Bristol," they were empowered to enlarge and improve a dock belonging to them at Clifton, where all timber brought to the port was to be landed; and certain rates for storing it were given to the society.

They keep in repair the keys, wharfs and cranes of the harbours, under a covenant in their lease of the wharfage and cranage dues; the particulars connected with this lease will be treated under another head, as the subject belongs, in the first instance, rather to the civic corporation.

According to the view that we take of the charters, and of the object for which the society of merchants was incorporated, we consider that every freeman of Bristol apprenticed to a merchant, or exercising that profession, during seven years, in Bristol, may, as of right, claim his admission into the society, which we look upon merely in the light of one of those guilds, to one or other of which it is probable that all the citizens belonged originally, as is still the case in the city of London. We conceive the power granted by the charters, which contain saving clauses of the rights of the mayor, &c., not in any respect to invalidate the connection between the civic corporation and the society of merchants, which ought merely to be a limb of it.

The society are proprietors of considerable landed estates, besides the beneficial lease which they hold of the wharfage and cranage dues. They possess, among other property, the Hotwells at Clifton; but they are saddled with a large debt, (great part of which is believed to have been incurred in an unsuccessful speculation on the improvement of their Clifton estates,) and their present income is said to be only sufficient to keep down the interest of the debt, and to meet their other necessary outgoings. We are not enabled to go more into detail on this point, as an account of the income and expenditure of the society was refused to us; nor did we think proper to press for it, in the doubt which may exist how far, in the present form of the society, it is to be considered a municipal corporation.

The society are also trustees of charitable estates of great value, the particulars of which are stated in the Eighth Report of the Commissioners for Inquiring into Charities.

DOCK COMPANY.

14. The Bristol Dock Company is another corporation in the city of Bristol, closely connected with the corporation of the city.

The natural harbour of Bristol was formed by the bed of the river Avon, which flowed on the eastern side of the old town, joining the Bristol Channel at Kingroad, about eight miles below the city. Vessels were brought up with the tide, which rises, at the mouth of the river, to the height of 40 or 50 feet, and were left dry at low-water.

Diversion of the Frome.

At a very early period of its history, about the year 1285, the harbour was improved by cutting a new channel for the Frome, a tributary stream, which used to join the Avon near the present position of Bristol bridge, for the purpose of giving the town the advantage of a double line of quay. That on the eastern bank of the Frome, since that time, has been always especially known by the name of "The Key," and the other on the western bank of the Avon as "The Back;" but although more room for the shipping was thus gained, and a softer bottom than the stony bed of the Avon, the inconvenience still subsisted in both branches of the harbour that with every tide the vessels were left dry, and in process of time, larger ships being employed, could only reach their destination at the Key or Back in spring-tides, which were also necessary to float them off again.

In consequence of this inconvenience vessels frequently discharged their cargoes at Kingroad, at the mouth of the Avon, or at Hungroad, a few miles below Bristol, and their cargoes were brought up to Bristol in lighters.

Merchants Dock.

Some time before 1776 the merchants venturers formed a floating dock at Clifton, capable of containing the largest vessels then using the port, and in that year obtained an Act for enlarging it, intituled, "An Act to remove the danger of Fire among the Ships in the Port of Bristol," &c. All timber ships, except those which made use of private wharfs, were by this Act compelled to unload in the floating dock, and powers were given to form quays and provide storehouses for other vessels using the dock. These measures, though beneficial at the time, proving inadequate to the wants of the harbour, a bold undertaking was devised, of converting the whole bed of the Frome and Avon from Bristol to Clifton (a distance of more than a mile and a half) into one large floating harbour, by erecting gates on the united rivers, at Clifton, below the entrance to the merchants' dock, and cutting a new channel for the Avon, to receive the tide, on the Somersetshire side of its old course, joining it again below the gates, at Clifton.

Bristol Dock Company. Incorporated Dock Act, 43 G. 3, c. 140.

For this purpose a company was incorporated by Act of Parliament in 1803, by the style of The Bristol Dock Company, consisting of the mayor, burgesses and commonalty of the city of Bristol, the master, wardens and commonalty of merchants venturers, and the several subscribers of 100 *l.* to the sum of 250,000 *l.*, estimated as the cost of the undertaking.

The two corporations were to have no interest in the dividends other than what might arise from their becoming subscribers, either as a body or as individuals.

A board of 27 directors was formed, consisting of the mayor and eight of the common council, chosen by the common council; the master and eight of the merchant venturers, chosen by the merchant venturers; and nine subscribers, holding at least ten shares each, chosen at a general meeting. The general meetings were composed of the mayor, aldermen and common councilmen, the master, wardens and commonalty of the merchants venturers, and every proprietor of five shares of 100 *l.* each.

The mayor, if present, was to be chairman of the general meetings and of the directors, or in his absence, the master of the merchants; in the absence of both, a chairman was elected for each meeting.

We endeavoured, but unsuccessfully, to ascertain the usual number of subscribers entitled to vote at a general meeting. It is obvious that it could not possibly be more than 500, if all the property had been held in this manner, and there is every probability that it must always have fallen very far short of such number, in addition to the two corporations, who, taking the merchants at their present number of 82, could command 125 votes between them, without the necessity of holding a single share. Thus it is plain that the entire control over the subscribers was placed in the hands of those two corporations. We are not aware that this power has been exercised on many occasions, but that fact, if correct, does but show, in another point of view, the impropriety of obtaining it.

By this first Act the Company were authorized to borrow 50,000 *l.* on the credit of the rates. The annual dividends were limited for six years at four per cent., after deducting the interest on the debt, and after six years to eight per cent. The surplus during the first period was to form a fund to be eventually paid over to the mayor, burgesses and commonalty, and after the first six years to be applied in paying off the shares and debt of the company. When the whole was discharged the property in the harbour and all the works constructed by the company was to vest in the mayor, burgesses and commonalty, besides the accumulated surplus of the first six years, and the powers of the Act thenceforward were to be executed by the mayor, aldermen and common council. The Avon and Frome were to be deepened, so as to give a depth of 21 feet in a sufficient number of berths for the trade of the port, and the water to be kept at a height not exceeding a fixed gauge on the quay.

A rate was imposed on ships and goods according to a schedule in the Act, of which a copy accompanies this report; and an annual rate of 2,400 *l.* was to be assessed on all houses and lands in the city, which was to continue until the shares and debt were paid off and a total surplus accumulated of 60,000 *l.*, which was to be paid over to the mayor, burgesses and commonalty in aid of the permanent maintenance of the harbour. A dock-master was appointed, who was not however to abridge the authority of the quay-warden or water-bailiff.

The dues paid to the corporation and merchants venturers were to continue as before, and vessels bound, by 16 Geo. 3, to discharge in the merchants' floating dock were compelled to continue to do so, although the reason mentioned in the preamble of that Act, namely, the danger of fire among the shipping in the river, when left dry at low-water, ceased entirely by the construction of the new works.

Second Dock Act, 46 G. 3, c. 35.

In 1806, three years after the obtaining of the first Act, it was found necessary to apply to Parliament again. The power of borrowing 50,000 *l.* was repealed, and compulsory calls allowed to be made on each shareholder of 35 per cent. in addition to his original share. The clauses directing the mode of accumulation of the surplus funds in the former Act were repealed, and instead thereof it was provided that the annual dividends should not exceed six per cent. until 22,000 *l.* were raised, and after that time eight per cent. The shares and debt to be paid off as before, and at the conclusion of the speculation the surplus of 22,000 *l.* was to be increased to 60,000 *l.* as before.

Certificate of Justices.

The Justices of the city in quarter session were to certify the completion of the works; upon which the rates were to become payable, and no allegation of their incompletion or insufficiency was to be admitted in excuse of nonpayment after such certificate.

Third Dock Act, 48 G. 3, c. 11.

In 1808 a third Act was obtained, altering again the mode of raising the necessary capital, and giving power to the company to erect gates by Prince's-street, near the junction of the two branches of the harbour, to enable them to keep the water in one part of the float while it should be let out for the purpose of cleaning the other.

The company were authorized to raise a farther sum for the completion of their engagements, not exceeding 180,000 *l.*, on their promissory notes, or by calls, not exceeding 10 per cent., on the shareholders. An increased schedule of rates was substituted for the original one, and a sum of 500 *l.* per annum, besides the surplus before mentioned, was made payable to a sinking fund towards paying off the whole sum vested in the undertaking, which thus appears to have exceeded 500,000 *l.*

Fourth Dock Act, 49 G. 3, c. 17.

A fourth Act was obtained in the following year, enabling the company to raise, by all or any of the foregoing means, another sum of 100,000 *l.*, carrying the whole amount invested to a sum beyond 600,000 *l.*

The works were certified by the justices to be complete in 1809.

The following statement of the annual total amount of the tolls is taken from the published accounts of the company; from which it will be observed that the increase since 1821 has been chiefly on tonnage, which has risen by more than half, while the rates on goods were but little increased in 1832 from their amount in 1821, and at no intervening time rose so much as one quarter part. This seems to indicate what we believe to be the case, that the increase is attributable chiefly to the arrival of a greater number of smaller craft, such as Irish vessels and coasters. Besides these tolls on ships and goods, the company are authorized to collect 2,400 *l.* per annum by a general rate upon the inhabitants; they also receive gate tolls, which, on an average, amount to 800 *l.* a year, and lockage, varying in amount from 1,600 *l.* to 1,800 *l.*; they also receive 250 *l.* a year from the merchants venturers in aid of cleansing the harbour.

RECEIPTS of the Bristol Dock Company on Imports (Corn and Provisions exempted). Dock Receipts.

Year ending April 11.	Tonnage Rates. £.	s.	d.	Rates on Goods. £.	s.	d.	TOTAL. £.	s.	d.
1821 -	10,469	19	6	7,237	7	6	17,707	7	–
1822 -	10,530	11	2	8,062	5	3	18,592	6	5
1823 -	10,747	19	2	7,746	7	7	18,494	6	9
1824 -	12,395	6	4	7,990	7	2	20,385	13	6
1825 -	13,424	10	4	9,409	11	–	22,833	15	10
1826 -	14,863	10	–	9,438	14	3	24,302	4	3
1827 -	13,934	1	8	7,773	12	–	21,707	13	8
1828 -	15,292	–	2	8,397	16	2	23,689	16	4
1829 -	15,833	4	6	8,871	13	–	24,704	17	6
1830 -	15,998	12	8	8,087	1	–	24,085	13	8
1831 -	16,708	7	2	8,431	1	6	25,139	8	8
1832 -	15,784	4	–	7,452	4	6	23,236	8	6

The actual expense incurred by the company in cleansing the harbour, according to their published accounts, exclusive of yearly payments in wages and salaries, are as under in round numbers :

1826.	1827.	1828.	1829.	1830.	1831.	1832.
£.	£.	£.	£.	£.	£.	£.
268	120	143	*822	*646	521	367

The annexed account shows how severely the dock dues press upon vessels making frequent trips, being a statement of the dues paid annually by the steam packet company :

DOCK DUES paid by the Steam Packet Company.

		Tons.	Weekly. £.	s.	d.	Annually. £.	s.	d.
Water Witch -	from Waterford - - -	229 at 8 *d.*	7	12	6	396	18	8
City of Bristol - -	Dublin - - - -	209 –	6	19	4	362	5	4
Victory - - - -	Cork - - - -	255 –	8	10	–	442	–	–
Nora Creina - - -	Waterford - - -	202 –	6	14	8	350	2	8
Express - - - -	Dublin - - - -	168 –	5	12	–	291	4	–
Albion - - - -	Cork - - - -	270 –	9	–	–	468	–	–

And the same amount of 8*d.* per ton is paid on the register tonnage of each vessel from Ireland each voyage.

The harbour is now much choked with mud. The Act requires 21 feet of water in a sufficient number of berths, but the deepest part now has only 16½, and that only in two berths ; it shoals in other parts to 13 and 12. Above the iron swivel-bridge, which may be passed by vessels of 100 tons, are only 10½ in the deepest part, shoaling to eight. State of the Harbour.

Large ships cannot move safely in the harbour without raising the water to a higher level than is allowed by the Act ; they must discharge part of their cargoes immediately on entering to enable them to reach the key, (the expense of which falls on the ship-owner,) or in default of this precaution vessels of 450 and 500 tons often ground in attempting to go up. Whilst we were at Bristol, an outward-bound vessel of 500 tons (which had been forced to shift her berth twice to take in her cargo) grounded in going out, sustained damage to the amount of 60*l.* in warping through the mud, and in consequence of not being able to get down to the basin the first day, lost the tide, and was detained there a week before the pilots would take charge of her ; the wind changed, and she was kept another fortnight at King-road, being three weeks' delay, occasioned solely by the obstructions in the harbour. Soon after the first formation of the float, a dredging machine was employed during nine months in the year, and 120 tons of mud were removed daily ; this was discontinued after four years, and no effectual remedy has been substituted ; but works have been lately undertaken by which it is expected that its state will be improved.

Once a year or oftener the water is let out of the harbour for the purpose of scouring. The merchants complain that this is done in both branches of the float at the same time, so as to leave the shipping quite dry, instead of locking up one part while the other is cleaned. While the harbour is thus made inaccessible, the dock dues are nevertheless demanded of every vessel which continues to discharge in any part of the river ; an additional duty is even in

* These two items include 663*l.* expended on vessels intended to be employed in cleansing.

in some cases demanded for allowing goods to be landed from the tideway. By the Dock Acts the rates are made payable by all vessels arriving in the port, and this has been enforced so strictly, that a merchantman bound for St. Petersburg, which had missed her orders, and merely put into Kingroad for them, without any intention of coming to Bristol, and never coming within several miles of the docks, was nevertheless forced to pay the dock dues.

The company are empowered to appoint police officers for the quays, which, being open, are much subject to depredation. None are appointed, and pilfering is carried on to an enormous extent.

In short, there is scarcely any mischief or any abuse which could exist in and about the harbour which is not loudly complained of; and the peculiar hardship on the trade of the port is, that the company have monopolized the whole river, and there is now no access to the city by water but by their works.

The corporation, whose rights, as conservators of the river, have been strictly preserved in the Dock Acts, have been called on to interfere; they now deny that they have any power to do so; but we are not able to understand upon what grounds, as there is a separate clause saving their rights in the new cut of the river Avon, and there cannot be any doubt that nuisances exist in the float which they would have had summary power to abate, had they existed before the rivers were dammed up. If it be true that they have divested themselves in this respect of the power which, by the words of the Act, they seem to have been anxious to retain unimpaired in every particular, they seem by that very plea to deprive themselves at the same time of any excuse that could be alleged for their intrusion upon the affairs of a company in which they have no other interest. If the nine dock directors chosen by their body are not to be considered in the light of a managing committee deputed by the owners and conservators of the port, we cannot understand their right, or the right of the whole common council, to have formed any part of the company without any contribution to the expenses of it.

CHAMBER OF COMMERCE.

15. A society was organized in Bristol in the year 1823, under the title of "The Bristol Chamber of Commerce, Trade and Manufactures," for the removal of obstacles tending to prevent the increase of trade, which, although not incorporated, cannot be passed over in silence, in consequence of the important part it has taken in some of the affairs of the city.

We think there can be no doubt that the formation of such a society ought to have been unnecessary. Even if the common council had considered the care of the port and its trade beyond the scope of its duties, yet the functions which the chamber proposed to take on itself, making allowance for the alteration in modern habits and principles of trade, were precisely those for which the society of merchants adventurers was originally incorporated.

Constitution of the Chamber of Commerce.

The Chamber of Commerce was established in February 1823. All merchants, bankers, ship-owners, manufacturers, tradesmen and other persons possessing property in Bristol, or in the neighbouring ports, towns and places with which Bristol is immediately connected, were invited to join the association.

A single payment of 20 guineas constitutes a life member. Other members pay one guinea annually (originally with an entrance fee of two guineas, since abandoned). The business of the chamber is conducted by a president and two vice-presidents, forming part of a board of 42 directors, five of whom are competent to act, except on the alteration of rules for the government of the board, or for the exercise of the power entrusted to the directors to refuse admission to, or to expel from the chamber any individual whose conduct has been illegal or grossly dishonourable in the opinion of three-fourths of the number present. On these occasions not less than 22 must be present at the meeting. The directors are elected by ballot, for three years, 14 retiring annually in succession.

The directors hold monthly meetings. A standing committee meets weekly, composed of six directors, appointed in rotation for three months, two retiring at each monthly meeting of the directors.

Three are a quorum of the standing committee. Special committees are appointed for special occasions. All questions relating to personal character are decided by ballot; all others by open vote.

The chamber commenced its proceedings by stating its object to be purely commercial, and invited the members of the corporate bodies of the city to join them; but one avowed object of the association being to discover the means of alleviating the local burdens on the trade of the port, in the continuance of some of which the others had a direct interest, it is obvious that the invitation could not, as in fact it did not, meet a very favourable consideration.

A series of Annual Reports has been published by the chamber of commerce since its formation in 1823. These reports occasionally show the chamber in collision with the corporate bodies of the city, and their own account of their transactions must of course be received as an *ex parte* statement. We have, therefore, endeavoured to use their reports only so far as to gather from them a connected narrative of the proceedings to which they refer; but we have extracted some of the documents collected in them, which have been authenticated before us, and which contain a body of information much more valuable than we could have obtained from any other quarter. Other documents will also be added which have been placed in our hands, or which we have extracted from the records of the corporation.

PORT CHARGES.

16. The condition of the City of Bristol is indissolubly connected with the prosperity of its port; and it is notorious that the trade of Bristol has not kept pace with the increase of other ports, once its rivals.

Far

Trade.

Far below her former station, as the second port of the empire, she now has to sustain a mortifying competition with second-rate ports in her own channel; and towns, whose commercial prosperity once depended on the subordinate relations they were able to maintain with this city, seem to be now outstripping her in enterprise and activity.

Foreign produce now finds its way to Bristol in coasters from neighbouring ports; sometimes it is brought even from Liverpool or London. If it were not for its Irish trade and the West Indian monopoly, of which circumstances still enable Bristol to retain its share, it is probable that the floating harbour, constructed there with so much ingenuity, labour and cost, would soon open only for the reception of a few coasters and fishing vessels.

We need not now advert to the extraneous causes which have contributed to accelerate this change; there are enough in full operation, within the port itself, to account for a decline even more rapid and more complete than Bristol has experienced.

A principal one is the amount of the Port Charges. These may be classed under the following heads:

1. Dues paid to the Bristol Dock Company.
2. Dues paid to the Merchant Venturers, as Lessees of the Corporation.
3. Dues paid directly to the Corporation and its Officers.

Dock Dues.

An account of the nature and amount of the Dock Dues has been already given in the history of the formation of the Dock Company. We shall now give all the information we have been able to collect with respect to the history of the other particulars, and then subjoin statements, showing the disadvantages under which Bristol now labours, in comparison with other ports, from the united operation of all.

Anchorage, Moorage, Wharfage, Cannage, Plankage and Craneage.

The merchant venturers now hold a lease from the corporation, by virtue of which they profess to collect certain dues, under the several heads of Anchorage and Moorage, Wharfage, Cannage and Plankage and Craneage. As the history of this lease, and of the dues claimed under it, is very remarkable, we shall go into it with more detail than otherwise would seem necessary.

The earliest trace we have found of any of these dues is in an extract given by Dr. Seyer, from one of the manuscript calendars of the city: "Also this year (3 Edw. 6), there was an order taken about the admaraltie, that all strangers that take anchorage of us beyond the sea should pay like anchorage here." We have not seen this calendar, nor do we know of what authority it is considered.

First Lease to Merchant Venturers.

The first lease which the Merchants held under the corporation is dated 20th September 1601. It is a lease for 90 years, at the rent of 3*l.* 6*s.* 8*d.*, of "all those duties which are usually and of right ought to be taken of all ships, barques and other vessels whatsoever arriving within the port of the city of Bristol, for anchorage, cannage and plankage;" and the merchants, in consideration thereof, covenant to find sufficient planks, and to keep clean the slip of Hungroad. This is the first notice we have found of cannage and plankage. There is no schedule annexed to show the amount of the duties paid on this account.

Origin of Wharfage.

On the 20th May 1606 it was agreed, in common council, "that every citizen of London that shall bring merchandize to this city, or ship any within the port, shall pay the same Waying and Wharfage that the citizens of Bristol do in London; and that all and every other person, not being a free burgess of the city of Bristol, shall pay unto the chamberlain of the city 6*d.* for every ton of merchandize which shall be brought to this city, or shall be shipped within the port of Bristol to be transported from hence, which money shall be paid for and in the name of wharfage, and to be employed for and toward the reparation of the key and back, except salt, corn, fish and coals, and all such goods and other things as shall be brought or carried away in trows, woodbushes, or any other small boats carrying goods, and not entered in the King's Majesty's custom-house."

The wording of this minute is explicit enough to prove that this was the first establishment of the dues under the name of wharfage, which, it thus appears, were at first imposed upon such only as were not free burgesses.

In the following February it was agreed, in council, that application should be made by Aldermen Whitson and James to the King or lords of the council, "for the confirmation of the payment of the tax or imposition lately agreed upon by the mayor, aldermen and common council of this city of Bristol, to be payed for all form of merchandizes brought or to be brought to this city, or transported from hence, as well by all strangers or foreigners as citizens and burgesses of this citie, for and towards the repairing and maintaining of the back and the key, and the great bridges and wharfes in and about the said citie;" and on the 12th April 1607 it was agreed that the same aldermen should "peruse the opinions of the King's counsell touching the imposition of wharfadge, and for the repairing of the back and key, and thereupon to procure letters from the lords of the counsell for the confirming and strengthening of the ordinance of the city for the levying thereof, according to the charters of the city."

The merchant venturers have an entry in their books, dated 7th May 1605, implying that the duties of wharfage were then in existence, which, if true, might appear inconsistent with the fact of these duties having taken their rise from the foregoing orders; but that entry admits another explanation. It will be found, from entries in the council books in 1606, that in order to repay a sum of 200*l.*, borrowed by the merchants from the city chamber for the provision of wine on the King's account, a separate rate of 1*s.* per ton on imports, the property of the merchant venturers only, had been imposed by the common council, according to a rate agreed on by the merchants, towards the repayment of that money; and it is distinctly

distinctly said that this was to continue only until that debt of 200 *l.* was satisfied. This was quite distinct from the general permanent rate of 6 *d.* per ton on imports and exports first imposed by the order of May 1606.

We have not found when the merchants first began to collect this duty of wharfage. They seem to have held a deputed authority to receive this duty before it was formally demised to them, and probably collected it with those other duties, leased to them in 1601.

Second Lease to Merchant Venturers, 1661.

The next Lease from the Corporation, dated 28th September 1661, recites that the Society of Merchants had undertaken a new key and carriageway from Rownham Passage to the Hotwell, and had covenanted to collect the wharfage for the reparation of the back and key as formerly, in consideration of which, and of the surrender of their lease of anchorage, cannage and plankage, " and of the authority formerly given for collection of the aforesaid duty of wharfage," the corporation agreed to advance them 100 *l.*, and granted them a lease for 80 years, at the rent of 3 *l.* 6 *s.* 8 *d.*, of the old duties of anchorage, cannage and plankage taken of ships, barks and vessels; also the sums set down in the name of wharfage, to be paid by the owners of goods landed on or shipped from the back or key, according to a schedule annexed to the lease, a copy of which forms part of this Report.

Lease of 1690.

On the 25th July 1690, before 30 years of the last Lease were expired, the corporation, in consideration of 200 *l.*, and that the society had agreed to make another new key or wharf, and to erect one or more cranes on it, and some new slips, granted the society a new lease for 80 years, at the old rent of 3 *l.* 6 *s.* 8 *d.*, comprising the keys and other premises, and also the duties of anchorage, cannage and plankage, " and especially and more particularly the duty of wharfage." An exception is made of the dues paid to the mayor, and the fees of the quay-warden and water-bailiff, which will be noticed in another place.

The schedule of wharfage annexed to this lease is the same as to that of 1661, with the following additional memorandum at the foot of it: " the other rates of anchorage, cannage and plankage, as formerly have been accustomed and received with the aforesaid rates of wharfage."

Lease of 1712.

A fourth Lease was granted, on 25th September 1712, for 80 years, at the same rent, of the keys and wharfs, and of the same duties, with the same exception; separating wharfage from anchorage, cannage and plankage, in the same distinct manner, both in the body of the lease and in the schedule, which is a copy of that annexed to the lease of 1690.

Duties for landing at the cranes are not named until the lease that will be next mentioned. It is probable that at all times the corporation interfered to regulate the sums to be demanded by the porters on the keys; but the foundation of the present schedule of rates taken under that name appears to have been an order of the common council, 23d October 1699, when on the mutual complaints of the merchants and the master and company of porters, the rates of porterage were finally settled by the corporation according to a schedule drawn up by the master and society of merchants. A copy of this schedule accompanies this Report, from which it appears that the rates allowed by it were to be divided in certain proportions between the quay-porters and the crane-keepers. Aliens, that is, strangers, were to pay one quarter more than burgesses.

Lease of 1764.

The next Lease is dated 1st September 1764. It has the same schedule of duties and memorandum annexed as the two leases of 1712 and 1690; it recites the lease of 1712, and that the society of merchants had made a new quay or wharf, and had erected several new cranes for the common benefit of the citizens and of all persons using trade therein, they paying the accustomed craneage for the same; it then demises certain quays, wharfs and other premises, and the duties of anchorage, cannage and plankage, and especially the duty of wharfage (with the same clause of exception as in the lease of 1690), for 99 years from the 29th September 1764, at the yearly rent of 10 *l.* No pecuniary consideration appears on the face of the lease, nor have we any reason to believe that any was paid. Under this lease the society of merchants still receive the tolls mentioned in the beginning of this account; but their title to them, or rather that of their lessors, the corporation, has been materially altered by an Act of Parliament obtained for that purpose by the society of merchants and the corporation jointly in 1807.

Wharfage Act.

The preamble of that Act states, that the mayor, burgesses and commonalty had been for several hundred years owners of the port of Bristol, and were seised of all the wharfs and lawful quays in the city and port, and had used to make and repair them. Also that they and their lessees had " from time immemorial received a rate or duty of wharfage, cannage and plankage, for goods landed upon or shipped from the said quays or wharfs, and also a rate or duty of anchorage and moorage for all ships and other vessels anchoring or mooring at the said quays or wharfs;" that the said duties were not exactly ascertained or defined, and that it was expedient to define them. It then confirms these rates according to two schedules annexed, one containing three separate rates of anchorage, of moorage, and of wharfage, cannage and plankage, the other containing a rate of craneage.

It is to be observed that throughout the whole history of the wharfage dues, whether as derived from the council-book or from the above-cited leases, they are uniformly treated as one single uncompounded duty; and that, from the period of 1601 at least, the duties of anchorage, cannage and plankage have been always joined together in all the leases, and if not actually received in the shape of a consolidated duty, at least have been always kept distinct from the wharfage dues.

This being the case, it is not a little remarkable that the duties of cannage and plankage should, in the Act passed in the 47 Geo. 3, be separated from the duty of anchorage, with which they were originally connected; and should be blended in the schedule with the duty

of wharfage, from which all the leases show them to be perfectly distinct. If the leases are to be relied upon, it cannot be true, as stated in the preamble of the Act, that the corporation and their lessees have received a rate or duty of wharfage, cannage and plankage; though, assuming them to form one rate, what follows in the preamble is undoubtedly true, that such rate is not exactly ascertained and defined. That assertion, on the contrary, could not have been made with truth if wharfage had been kept distinct, as it should have been, and had been until then, because the very lease under which the society then claimed, and still claim those tolls, had a schedule annexed, which had been unaltered since 1661 at least, and probably from the first moment of the imposition of the duty in 1607. Another alteration deserves notice: in the lease of 1661, anchorage, cannage and plankage appear distinctly as a toll on ships, barks and vessels. In the lease of 1764, they are spoken of as a toll both on ships and merchandize. In the Act of 1807, anchorage is retained as a duty on ships; cannage and plankage are made a charge upon merchandize.

Whatever the distribution of these rates may be, whether they are considered separately or in any variety of combination, it seems difficult to understand, after the history of the wharfage duty has been inquired into, how it could be with truth alleged that the corporation had from time immemorial received any rate or duty of which the wharfage rate forms a part.

Moorage.

But these are not the only remarkable circumstances in the compilation of this Act of Parliament. The preamble also states that the corporation and their lessees have from time immemorial received a rate or duty of anchorage and moorage. Now if the term moorage were merely a tautologous addition to the word anchorage, which goes before, it would be mere verbal criticism to object to the use of it; but as the schedule of the Act shows that something substantial was intended, and that an additional duty is introduced by it, it becomes necessary to inquire what authority there is for alleging that a distinct substantive rate, under the name of moorage, existed at the time of passing the Act, or what authority there was for claiming it, either separately or with the duty of anchorage. For above 230 years the duty of anchorage has been leased out in company with certain other dues; but none of the leases which are spread over this long period of time afford the slightest evidence or claim of a title to any duty, whether singly or in conjunction with others, under the name of moorage. We understand that the society of merchant venturers receive all the duties comprised in the schedule of this Act, and yet that they do not claim any other rates than those which they hold by their lease under the corporation.

First Schedule of the Wharfage Act.

The manner in which the Schedule to this Act has been composed renders it impossible to verify, by documentary evidence, the amount of rate levied on any one article; for there is no schedule or table in existence, of which we are aware, containing any precise statement of the duties levied for cannage and plankage; and without such a table, the schedule of wharfage rates appended to the leases could afford no certain test of the justice of the charges imposed by the Act.

Second Schedule of the Wharfage Act.

In the Second Schedule of the Act, as it was passed, which is a schedule of the rates for landing and shipping goods at the cranes, there are about 80 instances in which the rates were altered from those taken before the passing of the Act, and out of that number about 75 in which they were raised. The advance upon the old charges is stated to have been from 20 to 25 per cent.; and this amount, as finally settled by the Act, was less than the charge originally intended to be imposed, for in about 25 instances reductions were made in the rates of the second schedule while the Bill was in progress through the House of Commons. At the time when this advance in the craneage rates took place, the harbour had already been made more commodious for the landing of goods; the vessels had been raised nearly upon a level with the quay, and there was consequently less labour to be performed in loading or unloading the goods.

Corn Measurer.

Porters.

The Bill, as first brought into the House of Commons, contained other powers that must have been most vexatious in their operation. It provided that the principal Corn Measurer and his deputies, who were to be appointed by the court of mayor and aldermen, should have the exclusive right and power to measure all corn and malt brought by water for sale to the port of Bristol. It also enacted that 24 Porters, also to be appointed by the court of mayor and aldermen, should have the exclusive right to land and ship goods at the quays, wharfs or backs, and from one ship to another (except at the cranes); and there were penalties for employing any other persons than such corn measurers and porters, unless for small packages not exceeding 28 pounds weight.

Opposition to the Wharfage Act.

No opposition was offered to this Bill until after it had been read a second time; nor indeed does it appear at that stage to have been generally known in the city of Bristol that such a measure had been brought into the House, the attention of the citizens being then engrossed with the progress of the Dock Bills, which, as it seems, were opposed both by the corporation and the society of merchants.

Upon the remonstrances of a gentleman who then took an active part among those who were unconnected with the corporation, all that part of the Bill which related to the cornmeters and company of porters was expunged, and the schedules of rates in several instances were reduced from those originally proposed to the scale at which they now stand in the Act.

The confirmation of title to the wharfage dues appears to have been that which the two corporations were chiefly anxious to secure, and other points were readily conceded by them. Advantage, however, was taken of these concessions to alter one or two clauses, so as to throw more power than the Bill originally gave into the hands of the corporation of the city on that part of the Bill which was retained.

In the Bill as first brought in (now before us) all differences between the collectors and shipowners respecting the rates were to be decided by "the principal officer of the customs of the port of Bristol, who shall not be interested in the collection of such rates;" but in the Act as then altered, and as it now stands, this power is given to two of His Majesty's justices of the peace acting in and for the said city and county of Bristol, that is to say, to the mayor and aldermen. The Bill, as at first framed, required all bye-laws under the Act to be approved by a judge of one of the courts at Westminster, which was also altered to "the justices of peace in and for the city and county." It may perhaps be looked upon as a proof of the hurried manner in which the Bill was passed through both Houses, that the marginal note of the former of these clauses is at variance with the enactment, and still states the power to be in the custom-house officer, as at first intended.

The wharfage dues press with peculiar hardship on the timber merchants. A memorial, signed by all but one, who was absent at the time, has been transmitted to us, which was addressed to the Chamber of Commerce on the 30th October in the present year. They state in it that they are possessed of private wharfs, kept in repair at their own expense, and that they are compelled to pay wharfage for timber landed at their own wharfs, at the same rate as if they used the public wharfs of the city.

By the 16 Geo. 3, c. 33, already mentioned, timber vessels might unload at any private quay or wharf, with the consent of the proper officer of customs, and only in case they did not unload at private wharfs was it made compulsory to land their cargo at the place indicated by the Act, and called the Floating Dock. This restriction to the floating dock has become entirely useless since the floating harbour was made by the dock company, and though a bonding yard for timber was constructed by the merchant venturers about 14 years ago, private individuals since that time have been allowed to bond on their own premises. The loss which then fell on the society of merchants has in some measure been made good to them by that clause of the Wharfage Act which enacts that the duty shall be paid for all goods, &c. landed, &c. on or upon all or any of the wharfs or quays of or within the said port and city of Bristol. Upon this clause the wharfage rate is now demanded and paid in respect of all goods landed at private wharfs. This therefore is another case in which the Wharfage Act has brought a new charge upon the trade of Bristol, without any equivalent.

Craneage.

By the Wharfage Act the Craneage Rates are subject to be reduced by the justices in quarter sessions, in case of their being more than sufficient for the risk, labour and expense of landing or shipping goods. No application has ever been made to the sessions to establish a new schedule of rates; but in 1825 the society of merchant venturers themselves took an estimate of the receipt and expenditure for 22 years; and in September of that year a reduction was made of one-fourth of the existing rates. The number of the cranes has been very considerably increased of late years; and all the berths which are capable of receiving vessels of a large size are provided with them. If a vessel is at a crane berth, she is obliged to pay the rates specified in the Act, even though the owners should be desirous of unloading without the crane, as some preferred to do, and resorted accordingly to berths unprovided with them, till it was rendered impossible by the multiplication of cranes.

Quay Porters.

Quay Porters are still appointed by the common council, for the purpose of loading or unloading vessels in those parts of the harbour where there are no crane berths; but it is not compulsory on merchants and owners of vessels to employ them.

Amount of Craneage.

The total expense of landing goods at the cranes before the reduction took place, and the proportion which it then had to the expense borne by the proprietors of the cranes, are stated as under, in a document transmitted by a merchant in 1823 to the chamber of commerce. We have reduced it to what we understand the altered charge would be, supposing the craneage to have been diminished by one quarter, and striking out an item of charge for labour, which has been since discontinued.

Jane and Barbara, from St. Vincent, May 1823.	£.	s.	d.	Estimate after Reduction in 1825.	£.	s.	d.
Amount of craneage note	24	10	7	Less by one quarter	18	8	–
Paid for use of crab, and men working at it	7	3	6	Not charged	—		
Expenses to make cranemen work	–	17	6		–	17	6
	32	11	7		19	5	6
Expenses incurred at the crane office:							
Men's wages working the crane	3	11	6		3	11	6
Profit to the crane £.	29	–	1		15	14	–

A similar

A similar calculation on two other vessels of the expenses actually incurred in 1823, and reduced by the same estimate in 1825, show,

	£.	s.	d.		£.	s.	d.
Apollo, from Demerara, June 1823:				Reduced Estimate of Profit, 1825.			
Profit to the crane - - - -	16	–	6	- - - -	11	16	–
Ethelred, from Jamaica, June 1823:							
Profit to the crane - - - £.	25	9	10½	- - - £.	16	1	6

Out of these profits the repairs and taxes of the cranes are to be paid, and the risk borne of damage to the goods, in landing, by the fault of the cranekeeper.

The merchant venturers have leased out their craneage dues for some time past. This is called a sub-lease; but it has been already intimated that the craneage dues were never taken by the corporation, and are not demised in any of the leases; they were only regulated by the corporation as the proper dues to be taken by the owners of the cranes, and are so treated in the Wharfage Act, which, however, confirms the title to them.

The amount of the craneage dues is stated in a printed work, by a gentleman who had access to the books of the merchant venturers, to have averaged, during 33 years, (from 1773 to 1805) as follows:

—	NET RECEIPTS.	TAXES.	REPAIRS.	PROFITS.
	£.	£.	£.	£.
Average of 33 years -	1,123	506	231	386

The same writer remarks on the extravagance of the sum put down to the head of taxes; and it seems not improbable that this account has been charged with the whole amount of taxes payable by the wharfs. We have no means of ascertaining whether or not this supposition is correct, for the reason, which has been already stated, why we have given no account of the general property of the society of merchant venturers. There is an obvious profit to the society, if this course is really adopted, since it enables them to keep up the craneage rates higher than they would otherwise be, by the full amount of the taxes on the wharfs.

An account of the sums received and expended on account of the wharfs was refused to us. It appears from an old account which we found with the cancelled leases of the wharfage dues, that the disbursements of the Society of Merchants, for work in the river, building quays, cranes, &c. from 1719 to 1789, both inclusive, were 10,489 *l.* 18 *s.*; and a second account, also found with the leases, makes out the sum of 26,168 *l.* 12 *s.* to have been expended by them from 1745 to 1788, for throwing mud, cleaning the quay and docks, erecting cranes, quay planks, and building the Grove, smith and carpenters work at Hungroad and Pill, and haven masters' salaries. The expense of the Grove was 9,747 *l.* 5 *s.* 7½ *d.*, paid between 1767 and 1771.

The principal objection to the Wharfage Act, at the time, seems to have been taken to those parts of the Bill that were expunged. The parties objecting were probably not in a condition to show the inaccuracy of the statement in the preamble; but of late years, the subject being inquired into, it has excited considerable animadversion.

The recollection of the manner in which this Act was carried appears to have done much towards exciting, and we think, in great measure justified, the suspicion of the intentions of the corporation which appeared on occasion of a more recent application to Parliament, to which we shall presently come. The corporation, on this occasion, succeeded in obtaining, upon assertions of a prescriptive right, which appears totally destitute of foundation, a Parliamentary title to various dues, some of which at least might have been made the subject of dispute; and the attempt was made, though without success, to convert into lawful and compulsory payments the wages that had been paid, by the free consent of the employer, for the labour of those whom it might suit his convenience to employ.

Dues paid to the Corporation and its Officers.

The history of the Dues at present paid to the Corporation and its Officers, under the several heads of Town Dues, Mayor's Dues, and Fees of the Quay Warden and Water Bailiff, cannot be made so perspicuous as that which we have given of the wharfage duty.

There appears to be no room for any reasonable doubt that, from the earliest period of the history of Bristol, certain dues were collected by the Crown, under the head of Customs, which were subsequently granted to the corporation.

The earliest authentic record with which we are acquainted showing, in any degree, the amount of this Custom, is contained in two accounts rendered by the mayor, as escheator, in the time of Henry 6, of the cargoes on which it had been charged during the year, and the amount of the charge on each cargo. This was produced by the corporation in a recent action, in which the right to an export toll, as part of the town dues, was tried; the point was established in their favour, to the satisfaction of the court, that an export toll was part of the duty called Custom. The nature or amount of the toll seems not to have been farther made the subject of inquiry in that cause. But besides the "Custom" there were other tolls granted, at a very early period, by the Crown, for stated periods, but generally renewed from time to time, under the several names of murage, quayage and pavage. This was unquestionably a duty upon imports alone, as appears from the series of grants, still extant, from the time of Henry 3. We have examined the copies of a great number of these grants, many of which copies are in

the possession of the corporation, among their records; others were collected by the defendant in the suit on the town dues. The first that we have seen is in the 16th of Henry 3, being a grant for two years, "in aid of inclosing the town;" but we have preferred to take the particulars from one of the same kind, dated a few years later, from the books of the corporation. It is a grant, in the 39th year of Henry 3, to his heir, Edmund, (Edward?) for two years, "in aid of inclosing the town," of a duty on every vessel coming to Bristol laden with merchandize, other than wine; of 2*d.* on every boat of Gloucester or other counties, of ½*d.* on every Gloucestershire cart, and 1*d.* on each cart of every other county bringing merchandize, and a schedule of duties on goods according to a package rate. The grant was renewed, with slight variations in the schedule, several subsequent times.

Pavage. In the 10th year of Edward 2 is a grant to the mayor, bailiffs and good men of the city of certain duties "on goods coming for sale to the town, in aid of paving the said town;" and in the same year a separate grant and different schedule, for five years, of other duties, "in aid of repairing the key of the said town."

Keyage. All articles coming for sale, and not specified in the schedule, were to pay ¼*d.* for the value of 5*s.*, with provisoes that those on which pavage was paid should not be liable to keyage,

Murage. and *vice versâ*. In the 14th Edward two separate grants of murage and keyage were obtained on goods only, with the same restriction, that the same goods should not pay both taxes. It is unnecessary to recapitulate farther the numerous grants of this kind.

In later times, when the farm of the town was leased to the corporation for long terms of years, there was usually a separate contemporaneous grant of these duties, which were then often all joined in the same instrument. Thus, in 24 Henry 6, in which year the farm of the town was demised to the corporation for 60 years, there is a separate grant of duties, "in aid as well of repairing the walls of the key as of the other walls and pavement of the town," for the same period.

It is to be observed, that these duties, though granted by the Crown, are totally distinct from the Custom already mentioned. They were especially granted "without any account thereof made;" they never came into the hands of the Crown at all, but were expended at Bristol in the purposes for which they were granted, as appears fully by an inquisition *ad quod damnum*, in the 13th of Edward 3; but the Customs were annually accounted for and paid over to the Exchequer by the mayor, as escheator, while the farm of the town was in the King's hands, or otherwise were part of the consideration for which the rent of the town was paid.

Edward 4, as has been already mentioned, granted the town in fee to the corporation, in the first year of his reign, and by a separate charter, of the same date, (in which the grant of

Keyage, Murage and Pavage. the tolzey court is contained,) granted also the duties of keyage, murage and pavage, in fee, to be taken of all things saleable coming to the town by water. According to a schedule annexed to this Report, the grant for all merchandize not specified, (except wool, leather, and skins of wool,) was 1*d.* for every 1*l.*, ½*d.* for 10*s.*, and ¼*d.* for 5*s.*

The toll on goods coming by land is omitted from this grant; but a toll was nevertheless collected at the gates of the town until the time of Henry 8, when the inhabitants appear to have bought it off, "except wheelage." Wheelage was probably the duty formerly granted on carts coming from Gloucestershire and other counties, but which does not appear in any of the grants since the time of Henry 3. Wheelage is not now collected; we do not know when it was discontinued.

Whatever dues the corporation are entitled to receive, other than those now collected by authority of the Wharfage Act, must, as it appears to us, be derived from one or other of these sources; either from the old Custom, which was no duty on ships, but a package rate on goods, or from the duties of Keyage, Murage and Pavage, granted for the reparation of the keys, walls and pavements, in which the highest duty on ships is 6*d.*, besides a package rate on certain specified goods, and a poundage of 1*d.* in the pound on all not named in that list.

We have no authenticated paper before us to show how these duties continued to be collected since the time of Edward 4, as the circumstance that the right to the tolls has been in dispute imposed on us the obligation of refraining from any examination of the officers of the corporation on this question. The history of them has been deduced in a publication before us, which, however, we have not the opportunity of verifying in this particular; we shall, therefore, pass at once to the state in which we find these tolls to have been claimed eight years ago. No Custom was taken; no duty for keyage, murage or pavage; but, instead of these, two distinct

Town Dues. duties, called town dues and mayor's dues. The Town Dues were then said to be a general toll of 2*d.* in the pound, according to the value of the imports and exports, the property of persons not free of the city of Bristol; except sugar and tobacco, on which 6*d.* per hogshead was taken; Irish corn, which was charged at 6*d.* per ton; and wine which paid 1*s.* per pipe.

Mayor's Dues. The Mayor's Dues were 40*s.* for every vessel, above the burden of 60 tons, coming from below the Holmes, and arriving in the port of Bristol.

Fees of Quay Warden and Water Bailiff. Besides these duties, others at this time were claimed under the head of Fees of the Quay Warden and Water Bailiff. The first mention that we find of these fees is in the merchant venturers' lease of 1690, which contains an exception out of the grant, repeated in the leases of 1712 and 1764, of "such ancient duties which are payable to the mayor by the captains, masters and owners of vessels coming to the said keys or wharfs from Kingroad, Hungroad or other places in the Severn or Avon, and excepting also the ancient duties payable to the key warden and water bailiff." This exception is repeated in the Wharfage Act, but in more general terms.

We

We can give no farther account of these fees until the year 1788, when by 28 Geo. 3, c. 65, without any preamble or recital on what account they were granted, they were fixed on a Parliamentary title according to a schedule annexed to the Act. These fees in many respects resemble the duties of keyage, murage and pavage, inasmuch as they are payable on ships and goods (the latter a package duty on imports only, payable by burgesses and strangers indifferently); but no similarity appears in the scale of duties, since every ship of 60 tons and upwards now pays 5*s.* to the quay warden or water bailiff, and under 60 tons 2*s.* 6*d.*; also in the few instances in which there is any identity in the specified goods, the scale of 1788 appears far above that of 1463. This circumstance alone, however, is not sufficient to satisfy us that they were not originally the same.

Memorial relating to Town Dues, &c.

In August 1823 the Chamber of Commerce addressed a memorial to the Common Council, stating, that among the causes of depression and injury to the commerce of Bristol, the town dues, mayor's dues and other municipal imposts and regulations were most prominent, and praying a remission or material diminution of them.

The corporation replied that they could not interfere in the manner proposed.

A second memorial was soon afterwards sent to the common council, who thereupon passed a resolution that they were not convinced of the accuracy of the representation that the trade and commerce of the city were in a depressed state, and still decreasing, from local taxation, and invited the public bodies of the city to transmit their considered opinions on the subject.

The documents sent with this Report, marked (A.) to (M.), are copies of those which the chamber of commerce procured in answer to this invitation.

The merchant venturers also expressed their opinion that the languor of trade was mainly attributable to the municipal imposts, and recommended their reduction, and especially the substitution of a package rate for an *ad valorem* duty in the town dues.

Upon receiving these reports the corporation prepared the draught of a Bill to enable them to reduce the town dues, which in fact was done at a later period, in 1825. Notwithstanding this reduction, we think that the documents, showing how oppressive these tolls were before it, have lost none of their value in illustrating the system under which they had so accumulated. We think it also highly important to remark, that the corporation had declared themselves not convinced of their injurious tendency, when every one practically conversant with the matter expressed such decided opinions.

Town Dues' Bill.

The Bill which the corporation first proposed to introduce did not contain any reduction, but, after reciting that the corporation were possessed of and entitled to certain tolls, called town dues, on imports and exports, and the mayor to certain tolls, called mayor's dues, on ships arriving at Bristol (according to the amount and *ad valorem* duty on goods set out in the schedule as then payable), merely empowered the corporation to reduce or alter them at pleasure, either by substitution of a package rate or otherwise, so as not at any time to increase them beyond the amount thereby declared to be payable. This measure, when communicated to the directors of the chamber of commerce, was declared by their report to the chamber, dated 13th March 1824, to be merely nugatory in principle, or rather highly objectionable, inasmuch as it contained no pledge that the taxation, which the common council had so long levied, to the injury of the trading interests of the city, would at any given time or in any degree be mitigated, whilst the title of the corporation and the mayor respectively to the dues claimed by them would be thereby rendered indefeasible.

A committee of the common council, on receiving these objections, resolved, on the 15th March 1824, "That the corporation in framing the Bill had no view to obtain a recognition by legislative enactment of any right to the town dues and mayor's dues which they do not at present possess; on the contrary, they are fully satisfied of the validity of their title thereto. If they were not so, it would be unworthy the character and respectability of a public body to attempt, by indirect means, to acquire a right not appearing upon the face of the Bill to be its real object. The corporation, therefore, will not hesitate, provided the other objections stated in the resolutions of the chamber of commerce can be reconciled, to consent to the introduction of a clause in the proposed Bill which shall restrict them from demanding or receiving any dues which they were not legally entitled to at the passing of the Act."

The committee, however, refused in the most positive manner to entertain the suggestion of a schedule of duties not liable to be again increased. On the 24th of March the same committee again resolved, that when it was insinuated that the corporation sought by indirect means to obtain a confirmation by legislative enactment of their rights, this committee felt satisfied that the corporation would throw back with disdain an insinuation so unworthy of the good faith and honour evinced by them through every stage of their proceedings; they therefore, without a moment's hesitation, consented to a proposed clause calculated to preclude the corporation from any right not already possessed by them.

On the 27th March 1824 the common council resolved unanimously, "That this corporation fully and entirely approve of the proceedings of the said committee, and determine that the report be in all respects adopted and confirmed."

At the same time, the chamber of commerce having intimated its intention of pressing the second reading of the Bill, in order to secure the investigation of the subject in that Session of Parliament, the corporation resolved unanimously, "That this corporation would not be justified in expending the funds intrusted to their care in a contest which must occasion angry and hostile feelings; and it is with reluctance that they now determine, as the only alternative, to instruct their committee to abandon all further proceedings on the Bill," &c.

In the course of the summer of 1824 another arrangement for the final settlement of the town dues was proposed to the common council by the chamber of commerce, abolishing the mayor's dues, and limiting the town dues by a package rate to 4,000 *l.* per annum, with a surplus to accumulate as a fund for the purpose of eventually extinguishing them. That arrangement, however, contemplating the destruction of the burgesses' right of exemption from town dues, was opposed by a certain number of the burgesses, who in their petition, signed by 52 burgesses, prayed that they might not be made subject to any tax, in whatever shape, however small, that might be substituted for the town dues.

This measure, which the managing committee of the common council had consented to recommend for confirmation, and which seemed likely to give general satisfaction, was in consequence of this petition abandoned. We have no means of knowing what interest the petitioners possessed in the trade of the port.

On the 22d January 1825, the common council, by a resolution referring to the above arrangement, and to its having been abandoned from being found impracticable, declared, "That they were willing to bring a Bill into Parliament in the ensuing Session, provided they could do so without opposition, to relinquish the town dues hitherto collected on the Irish and coasting trade, and also to reduce and modify the remaining rates of dues, for which latter purpose they had prepared graduated scales of town and mayor's dues, abandoning the *ad valorem* rate of town dues, and substituting a package and weight and measure rate, as the case may require."

Act for reduction of Town Dues.

In the Session of 1825 a Bill was brought into the House of Commons with the same obnoxious preamble, that the corporation and mayor respectively were possessed of and entitled to certain dues, called town dues and mayor's dues, but enacting that the dues on the coasting and Irish trade should be no longer payable, and laying down a new scale of dues, with a power to the common council to reduce, alter and modify them. Upon this Bill two principal questions were in dispute between the corporation and the chamber of commerce; first, the old question of Parliamentary confirmation of the title to these dues; secondly, the rates fixed by the schedules.

The chamber of commerce had considered it desirable to establish a sinking fund for the ultimate redemption of the rates, and to provide for the publication of the receipts; but these points appear not to have been finally insisted upon.

The two principal questions were warmly contested before the committee. Upon the latter of the two the corporation succeeded in maintaining their schedule for the most part; on the ust plea, that as the measure was voluntary on their part, the amount of diminution ought not to be prescribed to them. Upon the other, the corporation, in a manner which contrasts singularly with their resolutions of the previous year, opposed the proposition for qualifying the preamble of the Bill; but the chamber nevertheless succeeded in persuading the committee to alter it to a recital, that the corporation and the mayor respectively claimed to be entitled to the dues. Notwithstanding this alteration in the preamble, the enacting clauses being left unaltered, the chamber was advised that upon the Bill as it then stood the corporation would acquire such a title to the dues as could no longer be disputed in a court of law. They finally succeeded in adding, by way of rider to the Bill, a declaratory clause, that the Act should not confer a better title to the dues than the corporation previously possessed. Upon the introduction of this clause, on the third reading, the corporation attempted to stop the Bill from being carried to the Upper House; but that being impracticable, the clause was opposed by them in the House of Lords. One differently worded, but not very different in effect, was finally substituted for it. Great expense of course attended this protracted opposition on both sides, and a considerable part of that expense was incurred in preventing the title of the corporation from being strengthened by legislative enactment, the intention to do which they had so positively and properly disclaimed only a few months earlier.

Whilst these proceedings in Parliament were pending, the title of the corporation to the dues had been actually disputed by several merchants, and subscriptions had been entered into, and publicly called for, to enable some individual to try the question. It was tried in 1828, and the corporation was successful. But it is very remarkable that, while the history of the litigation on the preamble and saving clause of the bill was yet fresh, the corporation should have attempted to raise a prejudice against the defendant in that suit (in which, by the observations that fell from the Bench, they seem to have succeeded), by representing him as clandestinely preparing to dispute their title, whilst apparently acquiescing in it in order to induce them to diminish the amount of their legal claims.

Effect of the Reduction.

It is to be lamented that the large sacrifice of income which the corporation thus consented to make had not, in consequence of the circumstances attending it, the merit of a liberal and disinterested act in the eyes of the citizens, and that a measure, which in itself was well calculated to promote good and kindly feelings, should have failed in producing that result.

The line of conduct pursued by the corporation in the prosecution of the bill of 1825 was deemed by the chamber of commerce to be directly at variance with their resolutions of the preceding year; and the boon which they offered, instead of exciting gratitude on the part of the citizens, was received with coldness and discontent, and considered chiefly in the light of an abortive attempt to obtain a secure Parliamentary title to doubted and disputed claims.

It would be unjust to the corporation to deny them the credit of intending by this measure to afford relief to the trade of Bristol; but it may be doubted whether its general effects were so beneficial as they were intended to be; for the reduction of port charges effected, large as it was, was yet not sufficient to place the port of Bristol on an equal footing with other rival ports.

The

The actual diminution of charges on some articles was very considerable, as may be seen from two or three instances which appear in a corrected copy furnished to us of the Appendix to the First Report of the Chamber of Commerce. Thus, the town dues alone on 61 tons 9 cwt. of flour, before the Act, were 23*l.* 17*s.* 10*d.*; they are now 6*l.* 18*s.* 4*d.* On 19 bales of silk, weighing 2,976 lbs., value 4,468*l.* 10*s.*, the old charge would be 24*l.* 16*s.* 6*d.*, the new charge 2*l.* 7*s.* 6*d.* On 13 bales of cloth shipped from Bristol, value 1,839*l.* 19*s.* 3*d.*, the former charge was 10*l.*, the present charge is 1*l.* 12*s.* 6*d.*; and in the last instance the alteration would have had the effect, at the time when the first calculation was made, of turning the scale on the total amount of port charges in favour of Bristol as compared with Liverpool.

The annual net amount of town dues, on an average taken from the five years before the Act, was 3,912*l.* The annual net amount, on an average taken for the five years after the passing of the Act, has been 1,753*l.* The average of mayor's dues for the first period was 1,542*l.*; for the latter period 599*l.*

The benefits of the reduction were felt materially in particular branches of trade, especially in the Irish trade, on which, and on the coasting trade generally, the dues had been entirely abandoned.

The following documents, illustrative of the trade of the port in 1824, and in subsequent years, are extracted from the Reports of the Chamber of Commerce, dated 31 January 1831 and 28 January 1833: Illustrative Documents.

STATEMENT of the Number of VESSELS cleared Outward for *Ireland*, the Total Value of British Goods, and the Quantities of Refined Sugar, Raw Sugar and Tea shipped from *Bristol* to *Ireland*, for the Year 1824 (being the Year before the Town Dues were taken off), 1826, 1827, 1828, 1829, 1830, 1831 and 1832; 1826 having likewise been the Year of introduction of Steam Conveyance for Goods.

	1824.	1826.	1827.	1828.	1829.	1830.	1831.	1832.
No. of Vessels -	113	198	278	314	342	364	Records lost.	400
Value of British Goods £.	126,999	195,909	294,200	341,875	294,573	304,659		297,884
Refined Sugar *cwt.*	3,596	7,796	20,188	27,719	27,233	37,793		37,717
Raw Sugar - *cwt.*	190	10,426	4,043	17,157	9,421	9,830		4,397
Tea - - *lbs.*	6	22,368	49,627	50,349	53,976	51,687		61,230

STATEMENT of the Number of VESSELS entered into the Port of *Bristol* from *Ireland*, and the Quantities of sundry Goods imported from *Ireland*, for the Year 1824 (being the Year before the Town Dues were taken off), 1826, 1827, 1828, 1829, 1830, 1831 and 1832; 1826 having likewise been the Year of introduction of Steam Conveyance for Goods.

	1824.	1826.	1827.	1828.	1829.	1830.	1831.	1832.
Vessels - - *No.*	45	505	731	801	930	726	- -	537
— - - *tons*	38,709	39,295	83,193	100,640	102,394	91,099	- -	87,318
Oats - - *qrs.*	28,895	63,038	74,505	124,710	63,183	49,064	38,167	51,630
Barley - *qrs.*	5,789	8,569	2,841	2,265	13,767	25,022	13,232	16,980
Wheat - *qrs.*	22,752	15,836	18,669	36,381	45,456	51,179	35,607	28,905
Flour - - *cwt.*	20,227	4,183	6,467	23,719	42,235	57,085	81,024	45,309
Cattle - *head*	1,496	550	2,818	4,535	10,498	6,265	6,078	4,077
Sheep - —	526	1,625	4,765	5,716	9,555	19,700	11,640	4,446
Pigs - - —	24,936	26,047	89,580	37,250	62,163	85,208	84,107	85,619
Horses - —	26	25	56	21	267	284	159	190
Potatoes - *tons*	2	575	80	130	2,878	1,813	294	408
Butter - *cwt.*	15,244	14,900	37,164	43,500	32,607	32,000	19,386	35,395
Bacon - *cwt.*	13,778	4,745	—	—	—	—	—	—
— - - *bales*	- -	1,138	7,015	5,384	5,434	6,107	7,158	4,057
Lard - - *cwt.*	452	530	1,400	2,030	720	1,614	*hhds.*206	*hds.*143
Salmon - *cwt.*	29	—	—	—	—	—	—	—
— - *barrels*	- -	28	19	— -	—	—	—	—
— - - *boxes*	- -	342	2,839	414	724	2,644	927	3,294
— - - *kits*	- -	938	- -	- -	—	40	3,425	—

STATEMENT of sundry FOREIGN GOODS Imported into the Port of *Bristol* in the following Years.

	1827.	1828.	1829.	1830.	1831.*	1832.
Sugars, West India - - - *hhds.*	26,057	31,644	31,418	27,743	29,303	24,491
— — - - - *tierces*	1,760	2,303	2,762	2,243	2,383	2,047
— — - - - *barrels*	1,438	1,298	1,885	969	1,205	2,261
— East India and Mauritius, *bags*	- -	- -	4,297	10,496	23,199	23,337
Coffee and Cocoa - - - *casks*	376	470	449	394	50	234
— - - - - *bags*	1,085	981	412	186	265	412
Pepper - - - - - *bags*	- -	- -	139	158	- -	3
Spirits - - - - - *pipes*	4,002	3,425	3,185	4,186	3,965	2,547
— - - - - - *hhds.*	1,194	980	1,180	1,378	1,005	1,540
Tobacco - - - - - - —	1,262	1,163	773	1,186	960	697
Wine - - - - - *pipes*	1,181	2,207	1,619	1,383	1,083	992
— - - - - - *hhds.*	1,155	1,852	1,040	1,386	1,125	1,005
— - - - - - *cases*	488	571	525	719	341	153
— - - - - - *casks*	229	936	259	1,038	561	596
Timber, American - - *pieces*	18,371	13,638	19,593	11,826	19,809	7,544
— European - - *pieces*	3,078	2,894	3,741	2,598	2,560	1,325
Deals, American - - *long hund.*	358	415	522	201	744	362
— European - - *long hund.*	637	705	548	545	473	767
Wool - - - - - *bags*	3,809	1,062	2,108	2,157	2,328	1,805
Cotton, United States - - *bales*	- -	203	- -	- -	118	—
— British - - - - *bales*	492	898	286	109	28	83
Corn - - - - - - *qrs.*	- -	- -	61,397	74,297	147,076	6,304

* The month of October is omitted, the records having been destroyed.

STATEMENT of Value of sundry BRITISH GOODS Exported to Foreign Parts from the Port of *Bristol*, in the following Years.

	1827.	1828.	1829.	1830.	1831.†	1832.
Woollen Goods, value - - £.	26,571	26,249	22,584	18,736	17,299	18,441
Cotton Goods - - - - -	13,003	14,573	20,154	14,702	8,085	11,348
Linens - - - - - - -	11,610	13,471	10,032	12,583	8,066	8,672
Hardware - - - - - -	373	406	740	347	260	605
Earthenware - - - - -	5,667	3,489	3,629	2,330	1,810	2,109
Coal - - - - *chaldrons*	4,256	3,634	4,525	4,367	4,031	3,796
Salt - - - - - *bushels*	128,564	97,404	75,233	73,875	34,253	29,974
Total Exports paying Export Duty, value - - - £.	422,100	414,288	399,805	429,452	353,860	317,532

† Complete, the records having been saved.

STATEMENT of BRITISH and FOREIGN VESSELS entered Inward and Outward to and from Foreign Ports from and to the Port of *Bristol*, in the undermentioned Years.

YEAR.	INWARD.				OUTWARD.			
	BRITISH.		FOREIGN.		BRITISH.		FOREIGN.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
1827 - - -	417	76,397	72	8,338	245	51,167	24	3,589
1828 - - -	374	67,331	60	8,378	247	50,283	21	3,496
1829 - - -	371	72,384	63	7,891	242	49,836	23	3,298
1830 - - -	364	68,241	48	7,056	256	50,797	19	3,610
1831 ‡ - -	403	75,619	96	12,653	203	44,341	21	3,339
1832 - - -	248	48,028	28	4,102	197	42,087	18	3,407

‡ The month of October 1831 omitted, the records having been destroyed.

STATEMENT

STATEMENT of VESSELS belonging to the Port of *Bristol*.

In the Years - -	1827.	1828.	1829.	1830.	1831.	1832.
Vessels belonging to the Port of Bristol - - - - -	283	300	319	323	339	303
Of which employed at other Ports or laid up - - - - -	22	31	30	32	33	32

Several documents are also annexed, compiled by a member of the chamber of commerce, and drawn out from data furnished in 1824 by the society of merchant venturers. * Comparison with other Ports.

The first, marked (I.), is a calculation of the port charges of Bristol, as compared with those of London, Liverpool, Hull and Gloucester, on the importation of forty-four various articles of merchandize.

The second calculation, marked (II.), is made upon six of the principal articles of import into the city of Bristol, taking the average of one year's import, and supposing the same quantities of these articles to be imported into London, Liverpool, Hull and Gloucester.

The third calculation, marked (III.), is similar to the second, selecting the seven articles which show in the most striking manner the excess of the port charges at Bristol. The quantities taken in this table appear to be arbitrary, but the same for all the ports compared.

The next document, marked (IV.), contains a comparative estimate of the port charges in London, Liverpool, Hull, Gloucester and Bristol on twenty-three articles, on the basis of one year's actual import into the whole kingdom, so as to show the real proportions in which trade is charged by the several items of local taxation, and what the different amount would be on any given quantity of it if brought into one or other of these ports. Every item has been included in this calculation, of which the returns were given in a form to allow direct comparison. The comparisons in round numbers are as follows:

LONDON.	LIVERPOOL.	HULL.	GLOUCESTER.	BRISTOL.	BRISTOL, 1823.
£.	£.	£.	£.	£.	£.
210,098	231,800	147,587	125,100	406,148	515,608

* After we left Bristol these tables were carefully re-examined, and some alterations were made in them, which however affect the general results very slightly. They have been forwarded to us, and are now printed in their amended form. A memorandum, on the manner in which they were constructed, was sent with them, from which the notes annexed to the first table have been extracted.

TABLE I.

STATEMENT of the PORT CHARGES, or LOCAL TAXATION, on GOODS imported into *London, Liverpool, Hull, Gloucester* and *Bristol*, including the Dues payable on Vessels reduced to the Goods, and comprising all Municipal and Dock Imposts, and the Costs of Landing and Weighing at the several Ports.

Country usually Imported from.	Description of Goods, and Estimated Weight of Packages, where Rated by the Package.		LONDON. Consolidated Landing Rate.	LONDON. Proportion for Loading or Turning-in.	LONDON. Landing, Wharfage and Weighing.	LONDON. Dues on Vessel.	LIVERPOOL. Dock.	LIVERPOOL. Town.	LIVERPOOL. Weighing.	LIVERPOOL. Dues on Vessel.	HULL. Landing.	HULL. Wharfage.	HULL. Weighing.	HULL. Primage.	HULL. Water Bailiff's Dues.	HULL. Dues on Vessel.	GLOUCESTER. Dock Rates, with 1s per Ton added for Wharfage, Landing and Weighing.	BRISTOL. Wharfage.	BRISTOL. Landing and Weighing.	BRISTOL. Dock.	BRISTOL. Town.	BRISTOL. Dues on Vessel.	TOTALS. LONDON.	TOTALS. LIVERPOOL.	TOTALS. HULL.	TOTALS. GLOUCESTER.	TOTALS. BRISTOL.
		Per	s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Mediterranean	Almonds (trce. 6 ⅔ cwt.)	ton	4 6	1-4th	3 4½	1 1	2 –	1 –	– 9	1 7½	1 –	1 6	– 6	– 3	- -	1 6	3 6	– 8	– 9	10 –	5 –	2 7	4 5½	5 4½	4 9	3 6	19 –
Canada	Ashes (brl. 5 ½ cwt.)	—	3 –	1-4th	2 3	– 11½	2 –	– 8	– 6	1 7½	– 8	– 8	– 4	– 3	-	1 6	3 –	– 5	– 9	3 4	2 3	1 9½	3 2½	4 9½	3 5	3 –	8 6¼
Mediterranean	Barilla	—	3 6	1-5th	2 10	1 1	1 6	1 –	1 –	1 7½	– 8	– 8	– 6	– 3	-	1 6	3 –	– 3	– 9	1 6	– 9	2 7	3 11	5 1½	3 7	3 –	5 10
Africa	Bees-wax	—	5 –	1-4th	3 9	1 1	3 4	1 –	1 6	1 7½	1 –	1 –	1 –	– 3	-	1 6	5 –	– 8	1 3	20 –	5 –	2 7	4 10	7 5½	4 9	5 –	29 6
Holland	Bark, oak	—	5 –	1-4th	3 9	– 7	1 6	– 6	2 –	– 9½	1 –	– 8	– 10	– 6	-	– 9	3 6	– 6	2 –	1 –	– 6	– 11¾	4 4	4 9¾	3 9	3 6	4 11¾
Holland	Cheese	—	4 –	1-4th	3 –	– 7	1 –	– 6	1 –	– 9½	1 –	– 8	– 8	– 3	-	– 9	3 –	– 8	– 9	Provs.	3s. & 1s.	– 11½	3 7	3 3½	3 4	3 –	4 4½
South America	Cochineal	cwt.	– 9	1-4th	– 6½	– –	1 –	– 3	– 1	– 1	– 1	– 1	– 1	– ¼	-	– 1	– 4	– 2	– ½	5 7½	2 –	– 1½	– 7½	1 5	– 4½	– 4	7 11½
West Indies	Coffee (trce. 6 ⅔ cwt.)	ton	10 –	1-4th	7 6	1 1	2 –	– 9	– 9	1 7½	– 9	1 –	– 6	– 3	-	1 6	3 6	1 –	– 9	3 –	5 –	2 7	8 7	5 1½	4 –	3 6	12 4
South America	Copper	—	5 –	1-4th	3 9	1 1	2 –	– 6	– 9	2 5	– 8	– 8	– 8	– 3	-	1 6	2 6	– 8	– 9	5 –	4 –	2 7	4 10	5 8	3 9	2 6	13 –
Mediterranean	Cork	—	6 –	1-4th	4 6	1 1	2 –	1 –	2 –	1 7½	1 –	1 –	1 –	– 6	-	1 6	4 –	– 5	2 6	5 –	1 6	2 7	5 7	6 7½	5 –	4 –	12 –
U. S. America	Cotton (bale 3 cwt.)	bale	1 1½	1-6th	– 11¼	– 3	– 10	– 2	– 1½	– 5½	– 1	– 1	– 1	– 1	-	– 4½	– 5	– 2	– 2	1 –	– 6	– 8¾	1 2½	1 7	– 8½	– 5	2 6¾
Mediterranean	Currants (butt 19cwt. gross)	ton	3 4	1-4th	2 6	1 1	2 –	– 9	– 7	1 7½	– 11	1 1	– 6	– 3	-	1 6	3 6	– 8	– 9	3 4	2 6	2 7	3 7	4 11¼	4 3	3 6	9 10
	Deals (lowest)	120	6 3	1-4th	4 8	-	2 –	1 –	-	-	-	-	-	-	-	-	—	– 3	1 3	2 6	1 3	—	—	—	—	—	—
	Ditto (highest)	—	14 –	1-4th	11 6	-	3 –	1 –	-	-	1 6	– 8	-	1 –	1 –	-	7 6	– 3	4 –	5 –	1 6	-	—	—	—	—	—
Africa	Elephants' teeth	ton	17 6	1-5th	14 –	1 1	10 –	1 –	2 –	1 7½	1 8	1 8	1 8	– 3	-	1 6	6 –	– 8	1 6	20 –	20 –	2 7	15 1	14 7½	6 9	6 –	44 9
North Europe	Feathers (bag 2 to 3 cwt.)	—	17 6	1-4th	13 1½	– 10½	10 –	2 –	1 6	1 1	1 4	1 4	– 8	1 4	-	1 1	7 –	– 8	1 3	20 –	7 6	1 9½	13 11¾	14 7	5 9	7 –	31 2¼
Russia	Flax	—	5 –	1-5th	4 –	– 10½	2 –	1 –	1 6	1 1	– 9	– 8	– 8	– 6	– 8	1 1	3 6	– 10	1 –	5 –	2 3	1 9½	4 10½	5 7	4 4	3 6	10 10½
U.S. America	Flour (brl. weigh. 1⅞ cwt.)	barrel	– 5	1-4th	– 3¾	– 1	– 2¾	– 1	– ½	– 1⅞	– 1	– 1	– 1	– ½	-	– 1½	– 4	– ½	– 1	Provs.	– 1	– 3	– 4¾	– 6	– 4¾	– 5½
West Indies	Ginger (bag 1 ½ cwt.)	ton	10 –	1-5th	8 –	1 1	2 –	1 4	2 –	1 7¼	1 –	1 –	1 –	– 3	-	1 6	3 6	– 8	– 9	3 4	3 9	2 7	9 1	6 11¼	4 9	3 6	11 1
Russia	Hemp	—	4 6	1-5th	3 7½	– 10½	2 –	1 –	1 6	1 1	– 9	– 8	– 8	– 6	– 8	1 1	3 6	– 10	1 –	3 4	1 6	1 9½	4 5½	5 7	4 4	3 6	8 5¼
South America	Hides (doz. 4 cwt.)	12	1 6	1-4th	1 1½	– 2½	1 –	1 –	– 4	– 4	– 2½	– 2½	– 1	–	-	– 3½	– 10	– 4	– 3	– 7	7d. & 8d.	– 6	1 4	2 8	1 –	– 10	2 11
East Indies	Indigo, East India	cwt.	– 8½	3-14th	– 6½	– –	1 –	– 2	– 1½	– 1½	– 1	– 1	– 1	– ¼	-	– 1	– 3¾	– ¾	1 8	2 –	– 1½	– 7½	1 5	– 4¼	– 3¾	4 1¼
North Europe	Iron, bar	ton	3 4	2-9th	2 7	– 10½	1 –	1 –	– 6	1 1	– 8	– 8	– 6	– 3	– 3	1 1	2 –	– 6	– 7	1 –	– 9	1 9½	3 5½	3 7	3 5	2 –	4 7½
Ditto	Linen (bale 2 cwt.)	bale	1 6	1-3d	1 –	– 1	1 –	– 4	– 6	– 1	– 3	– 3	– 3	– 2	-	– 1	– 7	– 2	– 3	3 6	2 6	– 1½	1 1	1 11	1 –	– 7	6 6½
Holland	Madder (hhd. 10 to 12 cwt.)	ton	3 4½	3-13th	2 7	– 7	2 –	– 8	– 7	– 10	– 6	– 8	– 6	– 3	-	– 9	3 6	– 8	– 9	3 4	1 6	– 11¾	3 2	4 1	2 8	3 6	7 2¾
Mediterranean	Olive oil	—	4 6	nett	4 6	1 1	2 4	1 6	– 8	1 7½	– 6	– 9	– 6	– 3	-	1 6	3 6	– 8	– 9	3 –	1 10	2 7	5 7	6 1½	3 6	3 6	8 10
Africa	Palm oil	—	3 9	1-4th	2 10	1 1	1 6	1 –	– 8	1 7½	– 6	– 9	– 6	– 3	-	1 6	3 6	– 8	– 9	5 –	1 –	2 7	3 11	4 9½	3 6	3 6	10 –
Spain	Quicksilver (bottles, Spanish quintal of 104 lbs.)	100lbs.	– 3	1-4th	– 2¼	– –	– 6	– 1	– 1	– –	– –	– ½	– ½	– ¼	-	– –	– 3½	– 3	– ½	1 –	– 6	– 1	– 2¾	– 8½	– 2¼	– 3½	1 10½
U. S. America	Rice (tierce 6 ⅔ cwt.)	ton	3 9	1-4th	2 10	– 11¼	1 6	– 9	– 8	1 7½	– 9	– 10	– 8	– 3	-	1 6	3 6	– 8	– 9	Provs.	1 8	2 7	3 9½	4 6¼	4 –	3 6	5 8
Mediterranean	Silk, raw (bale 2 cwt.)	bale	2 –	1-4th	1 6	– 1½	3 –	– 4	– 2	– 2	– 3	– 3	– 4	– 2	-	– 2	– 7 ½	– 4	– 2	6 9	2 6	– 3	1 7¼	3 8	1 2	– 7½	10 –
	Staves (lowest)	1,200	10 –	1-4th	7 6	-	– 10	– 7½	-	-	2 6	2 6	-	1 –	– 10	-	—	– 4½	1 –	– 10	– 11	—	—	—	—	—	—
	Ditto (highest)	—	20 –	1-4th	15 –	-	7 6	– 7¼	-	-	7 6	7 6	-	2 6	3 4	-	—	– 4½	3 –	6 8	3 7	—	—	—	—	—	—
West Indies	Sugar (hhd. 15 cwt.)	hhd.	3 9	1-4th	2 10	– 9½	1 6	– 4	– 7	1 3	– 8	– 6	– 6	– 2½	-	1 1½	2 7½	– 2	– 6½	2 3	– 6	1 11½	3 7½	3 8	3 –	2 7½	5 5
Russia	Tallow (cask 8 cwt.)	ton	3 6	4-17th	2 8	– 10½	2 –	1 8	– 9	1 1	– 7½	– 7½	– 5	– 3	-	1 1	3 –	– 8	– 9	2 –	2 3	1 9½	3 6¼	5 6	3 –	3 –	7 5¼
China	Tea	chest	- -	-	- -	-	- 6	– 2	-	-	– 1	– 1	– 1	– ¼	-	-	– 3	– 4	– 2	-	1 –	-	—	—	—	—	—
Mediterranean	Valonia	ton	4 6	1-5th	3 7½	1 1	1 6	1 8	1 8	1 7½	– 9	– 10	– 8	– 3	-	1 6	3 6	– 8	2 –	1 8	1 –	2 7	4 8¼	6 5¼	4 –	3 6	7 11
Germany	Wool (bale 2 cwt.)	bale	– 9	1-6th	– 7½	– 1½	– 2½	– 4	– 3	– 1½	– 1½	– 1	– 1	– 1	-	– 1½	– 4½	– 2	– 2	2 6	1s. & 4d.	– 2½	– 8¾	– 11½	– 5¾	– 4½	4 4¼
South America	Woods, mahogany	ton	5 –	1-5th	4 –	1 1	1 6	– 6	– 10	1 7½	1 6	– 8	1 –	– 3	-	1 6	3 –	– 8	– 9	1 –	– 3	2 7	5 1	4 5½	4 11	3 –	5 3
Ditto	Ditto, nicaragua	—	4 6	1-5th	3 7½	1 1	2 –	– 6	– 10	1 7½	1 –	– 8	– 8	– 3	-	1 6	3 –	– 8	1 3	2 6	1 3	2 7	4 8¼	4 11¾	4 1	3 –	8 3
Ditto	Ditto, logwood	—	4 6	1-5th	3 7½	1 1	1 6	– 6	– 10	1 7½	1 –	– 8	– 8	– 3	-	1 6	3 –	– 8	– 9	1 6	– 4½	2 7	4 8¼	4 5¼	4 1	3 –	5 10½
Ditto	Ditto, brazilletto	—	5 6	1-5th	4 5	1 1	2 –	– 6	1 6	1 7½	1 –	– 8	– 8	– 3	-	1 6	3 –	– 8	1 3	1 6	1 3	2 7	5 6	5 7½	4 1	3 –	7 3
Ditto	Ditto, fustic	—	4 6	1-5th	3 7½	1 1	1 6	– 6	– 10	1 7½	1 –	– 8	– 8	– 3	-	1 6	3 –	– 6	1 3	1 6	– 6	2 7	4 8¼	4 5¼	4 1	3 –	6 4
			Landg.	Wharf.	Lay up.	Vessel.																					
North of France	Brandy	ton	2 –	1 4	– 6	– 9	1 8	1 4	– 10	– 9¾	1 –	1 4	-	– 3	-	– 9	5 –	– 8	– 9	5 –	2 –	– 11¾	4 7	4 7¾	3 4	5 –	9 4¾
West Indies	Rum	punch.	1 –	– 8	– 3	– 6½	– 10	– 8	– 5	– 9¾	– 6	– 8	-	– 1½	-	– 9	2 6	– 4	– 4½	1 6	– 9	1 3¼	2 5½	2 8¾	2 –½	2 6	4 2¾
U.S. America	Tobacco (1,400 lbs.)	hhd.	– 6	– 6	-	– 7½	1 –	– 4	– 6	1 1	– 6	– 6	– 6	– 2	– 3	1 –	2 8	– 2	– 4½	2 6	– 6	1 8½	1 7½	2 11	2 11	2 8	5 3
Spain & Portugal	Wine	pipe	1 –	– 8	– 3	– 5½	1 2	1 –	– 5	– 6½	– 6	– 8	-	– 1½	-	– 6½	2 6	– 4	– 4½	3 –	1 –	– 10½	4 10½	3 1½	1 10	2 6	5 7
			Orphans' Fund, 2 s. 6 d.																								

REMARKS.

The difficulty of making out a statement, such as this, is much more considerable than might, at first sight, appear to be the case: goods being rated under various denominations, sometimes by weight and sometimes by packages, not only at various places, but even in the same place, for different dues; and the charge on vessels varying in each place on a separate scale, according to the parts they come from. In some few instances, on articles of importance, where correct rates could not be ascertained, blanks have been left. The charges on goods are made to comprise landing and weighing (where weighed) which, though not strictly port charges, are, in some instances, rendered so, by being made compulsory; they are, therefore, included in the foregoing comparisons. In apportioning to the several goods the proportions of port charges paid by the vessels that bring them, one-fifth has, in all cases, been deducted, to allow for vessels carrying more than the register tonnage, except in the case of such light goods as usually come in whole cargoes, when an estimate is made, founded on inquiry as to the quantity which a vessel of a given tonnage would bring. Cotton and wool are taken at the rate of two tons for every three tons of the vessel's register; and where goods are imported from various places, and it is at all doubtful from whence the greatest quantities come, those parts are generally chosen which give the least surplus of charge in Bristol. The imperial tun in Bristol would pay one-fifth more than the rate given in the statement; and the same remark will probably apply to the dock and town dues in Liverpool.

LONDON.

The St. Katherine Dock landing charges are on the gross weight in London, instead of on the net, as at other places. Besides the St. Katherine Dock charge of 9 *d.* per ton, payable on shipping entering the docks, there is a charge of tonnage payable to the corporation, which varies from 2½ *d.* to 4 *d.*, 5 *d.* and 7 *d.* per ton, according to the part from whence the vessel comes. This due, producing on the average about 48,000 *l.* per annum, the corporation has consented to reduce to 8,000 *l.*, thus remitting taxation to the extent of 40,000 *l.* a year; a bill has accordingly been introduced to Parliament, for reducing tonnage to one-sixth of its present amount. The alteration is expected to take place from June next; but in the statements the existing rate is retained. I cannot learn that there is any other local impost on imports, except a charge payable to the Orphans' Fund, on wine only, and averaging about 2 *s.* 6 *d.* per pipe. Various descriptions of the same article sometimes differ in the rate of charge; in this case, the highest rate is generally taken; and in some instances of varying package, an average. In the article of tobacco, coopering is blended with the landing charges. Wine and spirits are taken from the London Dock rates, coopering being blended with the landing charges in the St. Katherine Docks.

LIVERPOOL.

The town and dock dues are the only compulsory rates on goods. The porter's rates for weighing, &c. are by no means generally paid, each merchant getting his goods weighed at the cheapest rate he can. Where goods are not enumerated in the porter's rates, the amount inserted in the column for weighing is such as, making reasonable allowance for wages at Liverpool, goods may probably be landed for, being in no case taken at less than the Bristol cranage charges for landing and weighing. The only port charges on vessels are the dock dues, payable, per ton, in amounts varying according to the part from whence the vessel comes; and a charge of 1 *s.* and 1 *s.* 6 *d.* on the vessel for anchorage. Freemen of Liverpool, and resident freemen of London, Bristol, and several other towns, are exempt from town dues. The rates on those articles which could not be brought within the schedule have been ascertained, either by reference to actual transactions, or by the inquiries of a Liverpool merchant at the Town Dues Office.

HULL.

The dock charges on goods are not compulsory. Goods discharged in the river pay nothing; and those discharged in the docks are only obliged to pay the wharfage. Shipping at this port is subjected to dock rates, varying in amounts according to the parts they come from. There are also some other small charges on shipping, under the denominations of anchorage, jettage and buoyage, which together scarcely amount to 1 *d.* per ton on an average, but are allowed for at that rate in the statement. There are corporation dues payable on a few articles only by non-freemen: where blanks occur in this column there are no such dues payable on the article. There is likewise a due of 3 *d.* per ton payable on all goods exported or imported to the brethren of the Hull Trinity House, under the name of primage.

GLOUCESTER.

The very few articles not in the list of rates at this port are, for the most part, taken at the highest rate of 5 *s.* per ton, which is the maximum allowed by the Act, 2 *d.* per ton wharfage, and 10 *d.* for landing and weighing, are, in all instances, added to the dock rate, except in the articles of bark, cork, feathers and valonia, on which 1 *s.* 4 *d.* per ton is allowed: this is probably more than sufficient to cover the costs which the merchant incurs in landing his goods. There are no dock charges on shipping; and goods landed at private wharfs pay no wharfage.

BRISTOL.

The wharfage rates are absolutely compulsory on all goods imported from or exported to foreign countries, even though the goods be landed at private wharfs: the only exceptions are on goods shipped from bottom to bottom, which cannot be charged by the terms of the Act, and an exemption from the export toll, enjoyed by the members of the Merchants' Society, to whom the tolls are leased. The cranage rates for landing and weighing, though not absolutely compulsory, are rendered virtually so, by cranes being placed at all the berths at which vessels of any considerable draught of water can discharge, the dues being compulsory where goods are discharged or shipped at a crane berth. The dock dues are payable on vessels as per schedule, and on all goods imported from abroad, except provisions; and on all foreign goods, with the same exception, brought coastwise, excepting from those ports in the Bristol Channel which are to the eastward of the Holmes. Town dues is a compulsory charge, payable on all foreign imports and exports; but freemen of the city, and resident freemen of London, Liverpool, and some other towns, are exempt from the charge. In addition to these charges, there are dues payable to the quay-warden or to the water-bailiff. The Bristol charges on vessels, besides dock dues, varying as before stated, are mayor's dues, quay-warden's or water-bailiff's fees, and anchorage and moorage. These dues also vary somewhat with the size of the vessel: 2½ *d.* per ton is a low estimate for the whole of them, and in the statement they are taken at that sum. Prior to 1824, the local taxation of Bristol was much greater than it is at present, the cranage, mayor's and town dues having subsequently been reduced. The town dues were 2 *d.* in the 1 *l. ad valorem* (in practice, levied on two-thirds of the value, on imports as well as exports). The articles of sugar, tobacco, wine and wool, formed exceptions to the general rule, having always been specifically rated. The dock dues on indigo, though stated at 1 *s.* 6 *d.* per 100 lbs., are, in fact, 5 *s.* per 100 lbs.; and it does not appear that there is anything to prevent the Dock Company from exacting that rate at its pleasure.

TABLE II.

CALCULATION of the PORT CHARGES payable at *London*, *Liverpool*, *Hull*, *Gloucester* and *Bristol*, on an Average Year's Import at *Bristol* of Six of its principal Articles of Import.

☞ The Port Charges payable in Bristol before the Reduction are added, to show its operation, and in every case the Dues on the Vessel are included.

Articles Imported.	Average Import.	Rate per	LONDON. Rate.	LONDON. Amount.	LIVERPOOL. Rate.	LIVERPOOL. Amount.	HULL. Rate.	HULL. Amount.	GLOUCESTER. Rate.	GLOUCESTER. Amount.	BRISTOL—1834. Rate.	BRISTOL—1834. Amount.	BRISTOL—1823. Rate.	BRISTOL—1823. Amount.
			s. *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*
Currants	500	ton	3 7	89 11 8	4 11½	123 8 9	4 3	106 5 –	3 6	87 10 –	9 10	245 16 8	13 11	347 18 4
Sugar	30,000	hhd.	3 7¾	5,468 15 –	3 8	5,500 – –	3 –	4,500 – –	2 7½	3,937 10 –	5 5	8,125 – –	5 6	8,250 – –
Coffee	200	ton	8 7	85 16 8	5 1¼	51 – 10	4 –	40 – –	3 6	35 – –	12 4	123 6 8	15 11	159 3 4
Tobacco	1,000	hhd.	1 7½	81 5 –	2 11	145 16 8	2 11	145 16 8	2 8	133 6 8	5 3	262 10 –	5 6½	277 1 8
Wool	2,200	bag	– 8¾	80 4 2	– 11¼	103 2 6	– 5¾	52 14 2	– 4½	41 5 –	4 4¼	478 19 2	4 4¼	478 19 2
Wine	2,250	pipe	4 10½	548 8 9	3 1½	351 11 3	1 10	206 5 –	2 6	281 5 –	5 7	628 2 6	5 8½	642 3 9
		£.		6,354 1 3		6,275 – –		5,051 – 10		4,515 16 8		9,863 15 –		10,155 6 3

TABLE III.

CALCULATION of the PORT CHARGES payable at *London*, *Liverpool*, *Hull*, *Gloucester* and *Bristol*, on Seven Articles, selected so as to show the Excess of Port Charges at *Bristol* in its strongest light.

Articles Imported.	Quantity taken.	LONDON. Rate.	LONDON. Amount.	LIVERPOOL. Rate.	LIVERPOOL. Amount.	HULL. Rate.	HULL. Amount.	GLOUCESTER. Rate.	GLOUCESTER. Amount.	BRISTOL—1834. Rate.	BRISTOL—1834. Amount.	BRISTOL—1823. Rate.	BRISTOL—1823. Amount.
		s. *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*	*s.* *d.*	£. *s.* *d.*
Almonds	10 ton	4 5½	2 4 7	5 4½	2 13 6½	4 9	2 7 6	3 6	1 15 –	19 –	9 10 –	34 3	17 2 6
Bees-wax	20 —	4 10	4 16 8	7 5¼	7 8 9	4 9	4 15 –	5 –	5 – –	29 6	29 10 –	52 6	52 10 –
Cochineal	100 cwt.	– 7½	3 2 6	1 5	7 1 8	– 4½	1 15 5	– 4	1 13 4	7 11½	39 15 10	14 9½	73 19 2
Elephants' Teeth	10 ton	15 1	7 10 10	14 7¼	7 6 –½	6 9	3 7 6	6 –	3 – –	44 9	22 7 6	71 11	35 19 2
Indigo	100 cwt.	– 7¼	3 – 5	1 5	7 1 8	– 4½	1 15 5	– 3¾	1 11 3	4 1½	20 10 5	10 5¼	52 3 9
Linen	100 bales	1 1	5 8 4	1 11	9 11 8	1 –	5 – –	– 7	2 18 4	6 6¼	32 12 1	7 6½	37 14 2
Silk	200 —	1 7½	16 – 10	3 8	36 13 4	1 2	11 13 4	– 7½	6 5 –	10 –	100 – –	34 6	345 – –
	£.		42 4 2		77 16 8		30 14 2		22 2 11		254 5 10		614 8 9

TABLE IV.

CULATIONS founded on the COMPARATIVE STATEMENT of LOCAL TAXATION at the several Ports of *London, Liverpool, Hull, Gloucester* and *Bristol*, showing the Average Difference on Twenty-three principal Articles of Commerce.

	Total Import, Year 1831.	Rated per	LONDON. Rate.	LONDON. Amount.	LIVERPOOL. Rate.	LIVERPOOL. Amount.	HULL. Rate.	HULL. Amount.	GLOUCESTER. Rate.	GLOUCESTER. Amount.	BRISTOL. Rate.	BRISTOL. Amount.	BRISTOL in 1823, Rate on Vessels being added. Rate.	BRISTOL in 1823, Rate on Vessels being added. Amount.
			s. d.	£. s. d.	s. d.	£. s. d.	s. d.	£. s. d.	s. d.	£. s. d.	s. d.	£. s. d	s. d.	£. s. d.
-	11,437	ton	3 2¼	1,822 15 5¼	4 9¼	2,728 4 –¼	3 5	1,953 16 5	3 –	1,715 11 –	8 6¼	4,872 12 9¼	10 4¼	5,921 – 7¼
-	9,232	—	3 11	1,807 18 8	5 1¼	2,356 1 8	3 7	1,654 1 4	3 –	1,384 16 –	5 10	2,692 13 4	7 8	3,538 18 8
-	6,723	—	3 7	1,204 10 9	3 3¾	1,113 9 11¼	3 4	1,120 10 –	3 –	1,008 9 –	6 4¾	2,149 19 2¼	10 3¾	3,466 10 11¼
	2,003	cwt.	– 7½	62 11 10½	1 5	141 17 7	– 4½	35 9 4¾	– 4	33 7 8	7 11½	797 – 6½	10 9½	1,481 7 8½
-	19,199	ton	8 7	8,239 11 5	5 1¼	4,899 14 10¾	4 –	3,839 16 –	3 6	3,359 16 6	12 4	11,839 7 8	15 11	15,279 4 1
-	10,645	—	3 7	1,907 4 7	4 11¼	2,627 19 8¼	4 3	2,262 1 3	3 6	1,862 17 6	9 10	5,233 15 10	13 11	7,407 2 11
ol	859,181	bag	1 2¼	51,013 17 5¼	1 7	68,018 9 11	– 8½	30,429 6 6½	– 5	17,899 12 1	2 6¾	110,082 11 3¾	3 3¼	140,511 17 10¼
th	263	ton	15 1	198 6 11	14 7¼	192 – 10¾	6 9	88 15 3	6 –	78 18 –	44 9	588 9 3	71 11	945 14 1
-	46,820	—	4 10¼	11,363 12 1	5 7	13,070 11 8	4 4	10,144 6 8	3 6	8,193 10 –	10 10½	25,409 12 1	15 –¼	35,163 15 5
-	265	—	9 1	120 7 1	6 11¼	91 18 5¼	4 9	62 18 9	3 6	46 7 6	11 1	146 17 1	18 9	248 8 9
-	26,541	—	4 5½	5,916 8 7½	5 7	7,409 7 3	4 4	5,750 11 –	3 6	4,644 13 6	8 5½	11,196 19 8¾	11 2¼	14,846 7 5¼
-	17,872	—	3 5¼	3,071 15 –	3 7	3,202 1 4	3 5	3,053 2 8	2 –	1,787 4 –	4 7½	4,132 18 –	5 –¼	4,505 4 8
-	65,175	cwt.	– 7¼	1,968 6 8¾	1 5	4,345 – –	– 4½	1,154 2 9¾	– 3¾	1,018 7 2¼	4 1¼	13,374 9 –¼	10 5¼	34,013 4 –¾
-	16,504	ton	5 7	4,607 7 4	6 1½	5,037 3 2	3 6	2,888 4 –	3 6	2,888 4 –	8 10	7,289 5 4	10 7	8,733 7 4
-	8,238	—	3 11	1,613 5 6	4 9½	1,965 2 1½	3 6	1,441 13 –	3 6	1,441 13 –	10 –	4,119 – –	13 6	5,560 13 –
r	314,286	100 lbs.	– 2¾	36 – 2½	– 8½	111 6 2½	– 2½	29 9 3½	– 3½	45 16 8	1 10½	294 13 5	2 4¾	376 9 8½
-	20,000	bale	1 7¼	1,604 3 4	3 8	3,666 13 4	1 2	1,166 13 4	– 7½	625 – –	10 –	10,000 – –	34 6	34,500 – –
-	357,750	hhd.	3 7¾	65,214 16 10½	3 8	65,587 10 –	3 –	53,662 10 –	2 7½	46,954 13 9	5 5	96,890 12 6	5 6	98,381 5 –
-	52,034	ton	3 6¼	9,160 3 –½	5 6	14,309 7 –	3 –	7,805 2 –	3 –	7,805 2 –	7 5¼	19,350 2 10½	9 –¼	23,469 10 –½
-	23,648	hhd.	1 7½	1,921 8 –	2 11	3,448 13 4	2 11	3,448 13 4	2 8	3,153 1 4	5 3	6,207 12 –	5 6½	6,552 9 4
-	360	ton	4 10	87 – –	7 5½	133 17 6	4 9	85 10 –	5 –	90 – –	29 6	531 – –	52 6	945 – –
-	150,000	bag	– 8¾	5,468 15 –	– 11½	7,031 5 –	– 5¾	3,593 15 –	– 4½	2,812 10 –	4 4¼	32,656 5 –	4 4½	32,656 5 –
-	130,000	pipe	4 10½	31,687 10 –	3 1½	20,312 10 –	1 10	11,916 13 4	2 6	16,250 – –	5 7	36,291 13 4	5 8½	37,104 3 4
		£.		210,097 15 10¾		231,800 4 11½		147,587 1 4½		125,099 10 8¼		406,147 10 2¾		515,607 19 11¼
roportion		-		·517		·570		·363		·308		1·000		1·272
n per 1 *l*. in Bristol		- £.		– 10 4		– 11 5		– 7 3		– 6 2		1 – –		1 5 5½

General Remarks.

Having thus gone through the account of the corporate bodies of Bristol, and having illustrated, in some degree, the present state of the city, principally in reference to its trade and harbour, a few general remarks will close this Report.

It has been shown, that the governing body of the corporation of the city of Bristol is constituted on the closest principles of self-election and irresponsibility; and it seems to us to offer a very unfavourable specimen of the results of such a system. We think the corporation stands entirely clear of any imputation of clandestinely appropriating its public revenues to individual profit; but it cannot be so easily acquitted of mismanagement and extravagance. With a sinking and overburdened trade, its large revenues have been unprofitably expended in the maintenance of an overgrown establishment, and in the display of state magnificence, which is satisfactory to contemplate only when it is the symbol of prosperity, and defrayed out of its overflow.

The ruling principle of the corporation appears to have been, at all times, the desire of power, and a watchful jealousy that nothing should be undertaken within the limits of the city over which they cannot, at pleasure, exercise control. Almost every one of the long list of legislative enactments which belong to their local history affords full proof of this assertion, makes good some questionable point, or fences them round with some new privilege. It deserves also to be noticed, that almost every one of their applications to Parliament has been the signal for fierce opposition on the part of the city, and has become a topic of general discontent. Whether or not these discontents have been always well-founded, the frequency and duration of them, while each political party has had the ascendency in turn, are strong indications that the causes are to be found in the temper of the corporation itself, independently of mere party politics. The effects of this disposition are felt far beyond its immediate objects. They show themselves in a spirit of opposition and distrust on the part of the citizens, so that it seems doubtful whether the corporation could now do an act of real liberality, without becoming liable to suspicion and reproach on account of it.

The corporation have endeavoured to subdivide the multifarious duties vested in them among the different characters which they are enabled to assume, either as common councilmen, mayor and aldermen, justices of the county, guardians of the poor, dock directors or paving commissioners. They draw, especially, a distinction between their corporate character and that in which they appear as magistrates; but the citizens, who recognise the same individuals presiding in the guildhall whom they see presiding in the council-house, are unable to comprehend the principle of this distinction, and are at a loss to understand that complete separation which is supposed to exist between the motives that influence them in one character from those by which they are actuated in the other.

As owners and conservators of the port, the behaviour of the corporation of Bristol appears to us to be altogether indefensible. The mildest charge that can be made against them is, that they have been careless of its interest; there is much ground for asserting that they

they have been actually injurious to it. They have suffered burdensome charges of every description to be accumulated upon its trade, of which they are the last to see the impolicy; and when nuisances and obstructions are complained of, they then declare themselves to be without power to abate them. They have placed out of their own control, for a nominal consideration, a heavy and oppressive tax, which, whether or not legally imposed in its beginning, was then at least applied to the purposes of the harbour. They have procured a Parliamentary title for their lessees, from whom they can demand no account; and have suffered the tax, imposed for public services, to be absorbed in paying the incumbrances contracted in other speculations of those who now claim to be a private and irresponsible company.

We are informed that the same political party has not always held the ascendency in the council-house of Bristol, and that some of the acts which we find most objectionable have been in the time of a party opposed to that which is now supposed to be predominant there. We should not seek for a stronger proof that the fault is inherent in the system itself. Among all the quarrels and disturbances of which unhappily Bristol has at all times had more than her share, among all changes of political party, the corporation has always been the subject of attack and animosity; and we are of opinion that these feelings cannot permanently endure in any society, unless there be something essentially bad in the first principles of its constitution.

The annexed List of the Charters of Bristol is as complete as we have been able to make. It distinguishes those which are in the custody of the chamberlain, and those of which the corporation only possess copies from the records in the Tower of London. The second in the list is understood to be in the possession of the corporation of Dublin. Those marked MSS. form part of a collection which we were allowed to use, and which we believe to have been copied from official records, but which were not so authenticated before us. Some are preserved only by inspeximus in the charter of 16 Charles 2. Those marked with an asterisk are printed in Seyer's Collection, which we send with this Report:

DATE.	Where preserved.	PURPORT OF THE GRANT.
* Jan. - 9 Henry 2	16 Charles 2	Freedom from tolls throughout England, &c.
* 18 Henry 2	Dublin -	The city of Dublin, with the liberties of Bristol.
* John	Chamber -	Grant of liberties.
* 1 May - 11 Henry 3	- - -	Confirmation of 9 Henry 2.
6 Feb. - 14 Henry 3	Tower -	Freedom from the 4*d.* custom of ale.
15 June - 16 Henry 3	MSS. -	Custom on imports for two years for repairing the walls.
4 May - 26 Henry 3	Tower -	Farm of the town for 20 years.
*28 July - 31 Henry 3	16 Charles 2	Incorporation of Redcliff with Bristol.
*17 Aug. - 36 Henry 3	16 Charles 2	Confirmation of John's charter.
19 Feb. - 39 Henry 3	Tower -	Custom on imports for two years for repairing the walls.
*24 July - 40 Henry 3	16 Charles 2	Grant of a coroner, and of the goods of intestate burgesses to their heirs.
22 Oct. - 45 Henry 3	Tower -	Custom on imports for five years for repairing the walls.
10 May - 51 Henry 3	MSS. -	Custom for eight years for repairing the castle.
20 Dec. - 51 Henry 3	MSS. -	Customs on imports for six years for repairing the walls.
*28 March - 28 Edw. 1	Chamber -	Exemption from murage, stallage and pavage throughout England, and that the mayor be admitted by the constable of the castle.
2 Nov. - 6 Edw. 2	Tower -	Mandate to the mayor not to intermeddle with the custody of the town.
19 Feb. - 10 Edw. 2	Tower -	Customs on imports for three years for paving the town.
19 Feb. - 10 Edw. 2	Tower -	Customs on imports for three years for repairing the quay.
22 April - 14 Edw. 2	Tower -	Customs on imports for five years for repairing the quay.
22 April - 14 Edw. 2	Tower -	Customs on imports for five years for repairing the walls.
*17 Feb. - 15 Edw. 2	Chamber -	Confirmation of 28 March, 28 Edward 1.
14 Dec. - 4 Edw. 3	Tower -	Farm of the town for five years.
20 Jan. - 4 Edw. 3	Chamber -	General confirmation of liberties.
*16 Oct. - 5 Edw. 3	Chamber -	Power to take recognizances of orphan's guardians, and view of frankpledge.
28 Jan. - 5 Edw. 3	MSS. -	Custom on imports for four years for repairing the key.
20 Sept. - 8 Edw. 3	Tower	Custom on imports for four years for repairing the walls.

(*continued*)

DATE.	Where preserved.	PURPORT OF THE GRANT.
3 Jan. - 11 Edw. 3	Tower -	Custom on imports for four years for repairing the key.
10 Jan. - 11 Edw. 3	Tower -	Custom on imports for four years for repairing the walls.
10 Feb. - 13 Edw. 3	MSS. -	Inquisition *ad quod damnum* as to the customs.
26 May - 14 Edw. 3	Tower -	Custom on imports for three years eight months for repairing the key.
25 April - 18 Edw. 3	Tower -	Custom on imports for four years for repairing the walls.
18 May - 20 Edw. 3	Tower -	Mandate not to molest the prior and convent of Hinton in their fair.
12 Feb. - 21 Edw. 3	Tower -	General confirmation of freedom from all customs.
*24 April - 21 Edw. 3	Chamber -	Power to build a gaol and punish offenders against the assize of bread.
27 April - 21 Edw. 3	Tower -	Custom on imports for six years for repairing the walls and key.
20 Nov. - 34 Edw. 3	Tower -	Allowance of conusance by bailiffs of plea of novel disseisin.
19 Feb. - 39 Edw. 3	Tower -	Grant of a fair to Prince Edward.
10 Feb. - 45 Edw. 3	MSS. -	Farm of the town for one year.
* 8 Aug. - 47 Edw. 3	Chamber -	Bristol made a county, &c. *See* Report, p. 1154.
* 1 Sept. - 47 Edw. 3	Tower -	Commission for perambulation of boundaries of county of Bristol.
*30 Oct. - 47 Edw. 3	Chamber -	Exemplification of certificate of the perambulation of the county.
*20 Dec. - 47 Edw. 3	Chamber -	Confirmation of 8 August, 47 Edward 3, by assent of Parliament.
23 Oct. - 1 Rich. 2	MSS. -	Custom on imports for ten years for repairing the keys and walls.
* 8 Feb. - 1 Rich. 2	Chamber -	Confirmation of 20 December, 47 Edward 3, and 24 April, 21 Edward 3.
*28 Feb. - 1 Rich. 2	Chamber -	Confirmation of 20 January, 4 Edward 3.
18 Feb. - 18 Rich. 2	MSS. -	Farm of the town for twelve years.
* 1 April - 19 Rich. 2	Chamber -	Confirmation of 47 Edward 3, and grant that the steward, marshal and clerk of the market of the King's household shall not sit in Bristol.
27 Feb. - 2 Henry 4	Chamber -	Confirmation of 20 December, 47 Edward 3.
4 June - 4 Henry 4	MSS. -	Farm of the town to Queen Joanna during her life.
8 Feb. - 10 Henry 4	Tower -	Confirmation of a sub-lease of the town during the life of Queen Joanna.
5 Jan. - 1 Henry 5	MSS. -	Custom for imports for four years for repairing the keys, walls and pavement.
12 Jan. - 1 Henry 5	Chamber -	Confirmation of 2 Henry 4, and 10 Henry 4.
19 July - 2 Henry 6	Chamber -	Confirmation of 12 January, 1 Henry 5, with the assent of the Lords in Parliament.
28 Nov. - 10 Henry 6	MSS. -	Custom on imports for ten years for repairing the keys, walls and pavement.
15 Dec. - 14 Henry 6	Tower -	Licence to purchase lands to the value of 100*l.* per annum, in aid of the keys, walls, pavement and bridge.
9 Feb. - 16 Henry 6	Tower -	All goods coming to Bristol to be landed on the key or back.
29 May - 17 Henry 6	MSS. -	Farm of the town, and grant of custom on imports for repairing the walls, keys and pavement, for twenty years.
12 June - 17 Henry 6	Tower -	Mandate to the sheriff of Bristol to deliver arrears of fines, &c., to the mayor and commonalty for twenty years.
5 Feb. - 24 Henry 6	Tower -	Customs on imports for sixty years for repairing the keys, walls and pavement, by authority of Parliament.
5 Feb. - 24 Henry 6	Tower -	Grant of Admiralty jurisdiction, by authority of Parliament.
15 March - 24 Henry 6	Tower -	Farm of the town for sixty years, by authority of Parliament.
*22 Oct. - 1 Edw. 4	Chamber -	Grant of Admiralty jurisdiction.
*14 Dec. - 1 Edw. 4	Chamber -	Confirmation of 19 Richard 2.
18 Dec. - 1 Edw. 4	MSS. -	Grant of the tolzey court, and of customs on imports for repairing the keys, walls and pavement, in fee.

DATE.	Where preserved.	PURPORT OF THE GRANT.
*12 Feb. - 1 Edw. 4	Chamber -	Grant of the town in fee to the mayor and commonalty.
28 Nov. - 2 Rich. 3	Chamber -	Confirmation of 22 Oct., 1 Edward 4, 14 Dec., 1 Edward 4, and 12 Feb., 1 Edward 4.
22 Feb. - 2 Rich. 3	Chamber -	Release of 60*l.* of the rent of the town.
* 5 Feb. - 3 Henry 7	Chamber -	Confirmation of 14 Dec., 1 Edward 4, 22 Oct., 1 Edward 4, and 12 Feb., 1 Edward 4.
*17 Dec. - 15 Henry 7	Chamber -	Grant of privileges, &c. *See* Report, p. 1157.
5 Feb. - 24 Henry 7	Chamber -	†
16 May - 1 Henry 8	Chamber -	Charter of free pardon.
*10 May - 2 Henry 8	Chamber -	Confirmation of 5 Feb., 3 Henry 7, 17 Dec., 15 Henry 7.
5 June - 34 Henry 8	5 Charles 1	Bristol made a city.
9 July - 36 Henry 8	Chamber -	Grant of lands of St. John of Jerusalem.
12 July - 1 Edw. 6	16 Charles 2	Confirmation of 10 May, 2 Henry 8.
16 July - 1 Edw. 6	Chamber -	Commission of Admiralty to mayor, recorder and sixteen burgesses.
5 Sept. - 2 Edw. 6	Chamber -	Grant of a chapel on Bristol bridge.
* 1 March - 1 Elizabeth	Chamber -	Confirmation of 12 July, 1 Edward 6.
21 May 11 Elizabeth	Chamber -	†
*28 July 23 Elizabeth	Chamber -	Appointment of twelve aldermen instead of six.
*12 July - 2 James 1	3 James 1 -	Confirmation of 20 Dec., 47 Edward 3, and 22 Oct., 1 Edward 4.
31 May - 3 James 1	Chamber -	Commission of Admiralty jurisdiction to mayor, recorder and others.
31 May - 18 James 1	Chamber -	Licence to purchase lands, &c., of the annual value of 50*l.*, in aid of the maintenance of the port, bridges, banks, and other public burdens.
*18 Aug. - 2 Chas. 1	16 Charles 2	Confirmation of 12 July, 2 James 1.
*13 April - 5 Chas. 1	Chamber -	Annexation of the castle to the county of Bristol.
*26 Oct. - 6 Chas. 1	Chamber -	Purchase of the castle.
9 July - 14 Chas. 1	Chamber -	†
*22 April - 16 Chas. 2	Chamber -	Confirmation of 18 Aug. 2 Charles 1, 13 April, 5 Charles 1, 26 Oct., 6 Charles 1, and for taking the oaths of obedience and supremacy.
* 2 June - 36 Chas. 2	Chamber -	Grant of privileges, &c. *See* Report, p. 1160.
*24 July - 9 Anne	Chamber -	Grant of privileges, &c. *See* Report, p. 1161.

The following Table contains all the Acts passed relating to the city of Bristol (and unrepealed) from Magna Charta to 2 Will. 4, 1832:

Note.—Those Acts marked with an asterisk are out of print.

*47 Edward 3. Bristol, County of itself, confirmed under Great Seal.
* 2 Henry 6, c. 14, s. 2. Touching Goldsmiths selling, hardness of Silver.
* 4 Henry 6. Return of Members of Parliament as Burgesses only of Bristol, not to prejudice their Charter.
* 6 Henry 8, c. 18. For continuance of the Under-sheriff of Bristol.
*34 & 35 Henry 8, c. 9, s. 2. For the preservation of the River of Severn.
*13 Elizabeth, c. 22. For repealing the Act 8 Eliz. touching the Merchant Venturers.
* 1 Will. & Mary, sess. 1, c. 18. For erecting Courts of Conscience in the Cities of Bristol and Gloucester, and the Liberties thereof.
*11 & 12 Will. 3, c. 23. For the better preserving the Navigation of the Rivers Avon and Froome, and for cleansing, paving and enlightening the Streets of the City of Bristol.
*12 & 13 Will. 3, c. 4. For appointing Wardens and Assay Masters for assaying wrought plate in the Cities of York, Exeter, Bristol, Chester and Norwich.
* 8 Geo. 1, c. 5. To enable the Mayor, Burgesses and Commonalty of the City of Bristol to build an Exchange there, for the conveniency of the Merchants and Traders of that City.
3 Geo. 2, c. 31. For regulating the admission of Brokers.
12 Geo. 2, c. 26, s. 18. For preventing Frauds in Gold and Silver Wares.
22 Geo. 2, c. 20. For preserving the Navigation of the Rivers Avon and Froome; paving the City of Bristol, &c.
*24 Geo. 2, c. 37. For dividing the Parish of St. Philip and Jacob, in the County of Gloucester, and in the City and County of Bristol; and for erecting a Church in the new intended Parish.

28 Geo. 2,

† It appears that we neglected to take any note of the contents of these three charters, although we have a memorandum of their existence. We have very little doubt that they are wholly unimportant.

28 Geo. 2, c. 32. For establishing a Nightly Watch.
29 Geo. 2, c. 47. To amend 28 Geo. 2, c. 32, for establishing a Nightly Watch.
33 Geo. 2, c. 52. For rebuilding the Bridge over the Avon, and widening the Streets adjoining.
6 Geo. 3, c. 34. For widening several Streets, opening new ones, and for paving, &c., the City and the Liberties thereof.
* 8 & 9 Geo. 3, c. 66. To enable the Corporation of the City of Bristol to exchange the Building of the Hospital, called Queen Elizabeth's Hospital, for the Building called "the Bartholemew's," in the said City, and for altering the times for holding the Bristol Fairs.
9 Geo. 3, c. 61. For raising Money to complete the rebuilding of St. Nicholas Church.
*10 Geo. 3, c. 5. To enable the Bishop of Bristol to grant Leases of a certain Close of Ground, called "the Bishop's Park."
14 Geo. 3, c. 55. For making commodious Ways and Passages, and for enlarging the Burial Ground in St. Stephen's Parish.
16 Geo. 3, c. 33. For removing the danger of Fire among Ships in the Port, and for regulating the Quays, &c.
18 Geo. 3, c. 8. For Licensing a Theatre in Bristol.
*19 Geo. 3, c. 92. To enable the Trustees of Eden's Charities to grant Building Leases of certain Estates.
25 Geo. 3, c. 95. For rebuilding the Parish Church of Christ Church, and for widening the adjacent Streets.
26 Geo. 3, c. 111. For amending 33 Geo. 2, c. 52, for rebuilding the Bridge over the Avon, and widening the Streets adjacent thereto, and for making a way from the Bridge to Temple-street.
27 Geo. 3, c. 49. For dividing the Parish of St. James, and building a Church in the new Parish.
28 Geo. 3, c. 65. For removing Encroachments, licensing Hackney Coaches, and regulating the Shipping and Markets.
28 Geo. 3, c. 66. For regulating Buildings and Party Walls.
28 Geo. 3, c. 67. For widening Broad-street, and enlarging the Council House and Guildhall.
30 Geo. 3, c. 20. For rebuilding the Parish Church of St. Thomas.
*32 Geo. 3, c. 30. To enable the Dean and Chapter of Bristol to grant Building Leases of certain Lands.
34 Geo. 3, c. 111. For enabling the parish of St. Stephen to reconvey to the Mayor, &c. of Bristol a certain Plot of Ground, and apply the Money arising therefrom to the purposes of Act 14 Geo. 3, c. 55.
38 Geo. 3, c. 35. For altering the powers of Act 27 Geo. 3, c. 49, for dividing the Parish of St. James, and building a Church in the new Parish.
43 Geo. 3, c. 47, s. 19. For consolidating the Laws for the Relief of the Families of Militia Men.
43 Geo. 3, c. 140. For improving the Port and Harbour (Bristol Dock Company formed).
43 Geo. 3, c. 26. For amending Acts for paving, &c. the City and Liberties.
46 Geo. 3, c. 35. For amending 43 Geo. 3, c. 140, for improving the Port and Harbour.
47 Geo. 3, sess. 2, c. 33. For ascertaining the Wharfage Rates to be received at the Quays, regulating the Crane Keepers, and for regulating Pilots navigating the Channel.
*47 Geo. 3, sess. 2, c. 127. For vesting several Fee Farm Rents, settled by Edward Colston for charitable uses, in Trustees, to be sold, and for applying the Money to arise therefrom in the purchase of Lands.
48 Geo. 3, c. 11. For completing the improvement of the Port.
49 Geo. 3, c. 17. For enabling a further Sum of Money to be raised for the improvement of the Port.
51 Geo. 3, c. 167. For making a Canal between the Cities of Bath and Bristol, and for supplying the Inhabitants of Bristol with Water.
54 Geo. 3, c. 107. For enabling the Proprietors of the Commercial Rooms to sue in the name of their Secretary, and for regulating the Rooms and Property.
56 Geo. 3, c. 59. For building a New Gaol within the City.
56 Geo. 3, c. 76. For the recovery of Small Debts within the City and Liberties, and in several Parishes and Places therein named, in the Counties of Gloucester and Somerset.
59 Geo. 3, c. 2. For lighting with Gas the City and Parishes adjacent.
59 Geo. 3, c. 95. For repairing the several Roads round the City, and for making certain new lines.
1 & 2 Geo. 4, c. 4. For enlarging the Powers of 59 Geo. 3, c. 2, for lighting with Gas the City and Parishes adjacent.
3 Geo. 4, c. 21. For altering the several Acts passed for improving the Port and Harbour.
3 Geo. 4, c. 24. For the employment and regulation of the Poor; for altering the mode of assessing the Poor Rates; and for amending an Act for paving, &c. the City.
4 Geo. 4, c. 102. For lighting with Oil Gas the City and the Parish of Clifton, and certain adjacent Parishes.
6 Geo. 4, sess. 1825. For enabling the Mayor, Burgesses and Commonalty of the City of Bristol to reduce, alter, modify and regulate certain Dues, called "Town Dues" and Mayor's Dues," and for charging and collecting thereof.

9 Geo. 4, sess. 1828. For removing the present Cattle Market, now held in St. Thomas-street, in the City of Bristol, for providing a better and more convenient market instead thereof, and for rebuilding and enlarging the Wool Hall in St. Thomas-street

11 Geo. 4, sess. 1830. For building a Bridge over the River Avon from Clifton, in the county of Gloucester, to the opposite side of the River, in the county of Somerset, and for making convenient Roads and Approaches to communicate therewith.

1 Will. 4, sess. 1830–31. To alter, amend and enlarge the Powers of an Act passed in the third year of the reign of his late Majesty King George the Fourth, for regulating the Poor of the City of Bristol, and for other purposes connected therewith.

2 Will. 4, c. 38. For the more easily providing compensation for the damage and injury committed within the City of Bristol, and County of the same City, during the late Riots and Disturbances therein.

We send with this Report the following Documents: Documents.

1. Seyer's Charters and Letters Patent granted by the Kings and Queens of England to the Town and City of Bristol, (Latin and English).

[*Note.*—We were referred to this printed volume by the officers of the corporation, as containing the Bristol charters. Those contained in it (with three exceptions) are taken from a copy in the Bodleian Library of the charter of inspeximus of 16 Charles 2. There are several inaccuracies in them, as Seyer himself suspected, and as we ascertained by examination of some of the originals, but we did not discover any of importance.]

2. Copy of the Mandate, 2 November, 6 Edward 2, that the Mayor and Bailiffs do not intermeddle with the custody of the town.

3. Copy of the Act of Parliament, 4 Henry 6, that the return of two Members of Parliament as Burgesses only of Bristol should not prejudice their Charters.

4. Copy of the Grants of Murage, Keyage and Pavage, 39 Henry 3, 45 Henry 3, 10 Edward 2, 14 Edward 2, 8 Edward 3, 11 Edward 3, 14 Edward 3, 18 Edward 3, 21 Edward 3, 24 Henry 6.

5. Copy of the Account of Customary Dues arising from divers merchandize in ships and boats at Bristol, 15 Henry 6.

6. Copy of the Rates for landing goods at the key and back, to be received by the Company of Porters, by order of the House, 23 October 1699.

7. Printed Schedule of Reduced Rates, under 47 Geo. 3, for landing and shipping goods in the Port of Bristol, 29 September 1825.

8. List of the Common Council, and the dates of their election.

9. Copies of the Oaths of the Mayor, Recorder, Aldermen, Sheriffs, Bailiffs, Common Councilmen, Town Clerk, Burgesses and Freemen of the Staple.

10. Copy of an Inquisition and Return to the Court of Admiralty, 1552.

11. Copy of the Agreement between the Corporation and Lord High Admiral, 1589.

12. Copy of a Certificate of Decree in the Admiralty Court, 1642.

13. Table of Fees of the Clerk of the Peace.

14. Form of Precept to the Chief Constables of the Wards for summoning Jurors.

15. Form of Process out of the Court of the Tolzey.

16. Plaintiff's Bill of Costs, on trial of an issue in the Court of the Tolzey, action bailable.

17. Defendant's Bill of Costs on ditto.

18. Printed Form of Notice of Meeting for laying a Watch Rate.

19. Printed Regulations for the Nightly Watch.

20. Printed Gaol Regulations.

21. Copies of the Resolutions of Common Council, 7 April 1832, and 21 April 1832, and of the Central Committee of Parochial Deputies, 19 May 1832, relative to Police.

22. Copy of a Bill for establishing a more effective Police within the City and County of Bristol, (not passed).

23. Analysis of the Bristol Local Acts of Parliament.

24. Copy of the Act, 1 Will. & Mary, for erecting Courts of Conscience in the Cities of Bristol and Gloucester.

25. Printed Rules, Orders and Bye-laws of the Commissioners for paving, pitching, cleansing and lighting the City.

26. Balanced Account of the Trustees of Bristol Bridge.

27. Copy of the Actys and Ordinances by the Mayor and Common Counsail of Bristowe, of fower certaigne merchandices used in Bristowe, 1467.

28. Copy of the Ordinances of the Merchants Venturers granted by the Mayor and Commonalty under their common seale, 10 November 1500.

29. Copy of the Charter granted to the Merchants Adventurers of the City of Bristol, 18 December, 6 Edward 6.

30. Copy of the Act of Parliament, 8 Elizabeth, confirming the Charter of Edward 6.

31. Copy of the Act of Parliament, 13 Elizabeth, c. 22, repealing the Act of 8 Elizabeth.

32. Copy of the Charter granted to the Merchants Adventurers, 7 January, 14 Charles 1.

33. Copy of the Charter granted to the Merchants Adventurers, 22 Dec., 19 Charles 1.

34. Printed List of the Merchants Adventurers, 9 November 1833, distinguishing those who have borne office.

35. Printed Memorandum of the mode of choosing officers of the Merchants Adventurers.
36. Printed Bye-laws for regulating the Watermen in the Port of Bristol, 1831.
37. Printed Bye-laws for regulating the Pilots of the Port of Bristol, and within the Bristol Channel, eastward of Lundy Island, 1809.
38. Ditto, 1813.
39. Comparative Statement of the Pilotage Charges in 1824 and since.
40. Copy of an Account of Monies expended by the Society of Merchants for Work in the River, from 1719 to 1789.
41. Copy of an Account (indorsed Mr. Haynes' Account,) of Monies paid by the Society of Merchants for throwing Mud, cleansing the Quay and Backs, erecting Cranes, Quay-planks, and building the Grove, Smith and Carpenter's work, &c., at Hungroad and Pill, Haven-master's Salaries, &c., from the year 1745 to 1788.
42. Copy of a Memorial from the Timber Merchants of the Port of Bristol to the Chamber of Commerce, with respect to the Wharfage Dues, 30 October 1833.
43. Copy of the Sinking Fund Account of the Dock Company for the year ending 1 May 1833.
44. Copies of the Documents (marked A. to M.) collected by the Chamber of Commerce in 1824, and annexed to their Third Memorial presented to the Common Council, illustrative of the effects of the Local Imposts.
45. Printed Rules for the conduct of the Corporation of the Poor of the City of Bristol, (corrected to the time of the Corporate inquiry).
46. Printed Accounts of the Corporation of the Poor, from 25 March 1823 to 25 March 1833.
47. Register of Electors for the City and County of Bristol, 30 November 1832.
48. Three Maps of Bristol, showing the Division into Parishes, Wards, and proposed Wards.

Edward J. Gambier.
John Elliot Drinkwater.

REPORT

ON

THE BOROUGH OF CALNE,

(WILTSHIRE.)

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BOROUGH OF CALNE.

LIMITS.

1. THE Borough of Calne consists of a town and country district, both lying within the large parish of Calne. The rural part of the borough extends beyond the town on the south, the west and the north sides, particularly in the latter direction, where it includes what is called Calne Marsh. There are also two small detached pieces of land, parcel of the borough, to the north of Calne Marsh.

Detached parts.

Town.

The Town of Calne extends in some places beyond the borough. The line, dividing the part out of the borough from that which is within it, is well ascertained; and there appears to be no doubt or dispute about any part of the boundary. A perambulation took place in 1829.

Additions by the Boundary Act.

The borough, as formed by the Boundary Act, for the purpose of Parliamentary representation, comprises the whole of the parish of Calne, and a great part of the parish of Blackland.

HISTORY.
No ancient Charters.

2. There is scarcely any trace or record that Calne possessed any ancient Charters whatever. A few years ago a search was made in some of the depositories where such documents were likely to be enrolled, but without success; and it appears, from an entry in the council book of Calne, dated 1st September 1673, that the charter, under which they were supposed to be incorporated, was considered at that time to be lost or destroyed, for it was then "ordered and agreed upon, with the consent of the burgesses at the Guildhall, that Mr. Robert Hungerford and Robert Dier, the now present stewards, do go to Mr. Stevens, the steward of Ogbourne Court, to consult with him about renewing of our charter."

Judgment of Ouster.

About the years 1683 and 1684, proceedings by *Quo Warranto* were taken against the chief officers and burgesses of Calne; judgment of *Ouster* was entered up, and a writ of seizure actually sued out.

Charter of James II.

A charter of incorporation was thereupon granted by James II. bearing date the 12th September 1687: this charter is to be found at the Rolls Chapel, with a date of enrolment, 4 Jac. II., 21 September 1687. The clause inserted in most of James's charters, giving a control over the elections of corporate officers to the King in council, is not inserted in this charter in the usual form. Instead of providing that they might be amoved by order in privy council, this charter provides, that if the King, by order in council, shall desire the burgesses to elect particular persons, they shall do so, and the elections of all others shall be void.

Proclamation of James II.

In the Proclamation made in the last year of James II., for restoring corporations to their ancient rights and charters, Calne, with some others, is expressly excepted from the operation of the first part of it, as having had judgment of ouster actually entered of record against it.

That part of James's proclamation which went to annul the obnoxious charters granted by him, by exercising the power reserved to the Crown of removing all the officers named in them, appears to us not applicable to the charter of Calne, which contains no such power; and the effect of the exception of Calne in the proclamation, appears to have operated rather as a confirmation of the charter previously granted, by confirming the previous judgment of ouster, which cleared the way for it. Undoubtedly, the proclamation professes also in direct terms to annul all the charters granted since 1679 to boroughs that were not theretofore corporations, but even supposing Calne to be considered as one of those, it may be doubted whether the proclamation alone was of force to have annulled its charter, if it had been previously accepted. But there is no appearance of its ever having been accepted or acted upon; neither is the original charter to be found in their chest, nor is any copy of it, nor even any allusion to it, perserved in their books, which are imperfect at this period; on the contrary, the title upon which the burgesses still claim to be a corporate body, notwithstanding the judgment of ouster, is, that they are so by prescription. It appears to us, however, that whatever claim they can set up to be henceforth considered as a corporation, must depend on whatever power they may now have to accept the charter of James, which has been revoked by proclamation, and has not yet been accepted.

CORPORATE BODY.
Style and Constitution.

3. The Corporate Body is now said to consist of two head officers, called guild stewards, and an indefinite number of burgesses; and its title is "The Guild Stewards and Burgesses of the Borough of Calne."

Guild Stewards.

The two Guild Stewards are elected by the guild stewards and burgesses (a majority of whom must be present,) from their own body, on the 2d of February in every year. There is

CALNE.

is usually a rotation observed among the burgesses, in the choice of the guild stewards, but this is not always the case. The year for which they are elected is understood to begin on the day of their election, but they take no oath of office.

Burgesses.

The Burgesses are chosen by the guild stewards and burgesses. The persons elected must be residents within the borough; but it is a mooted point, whether they forfeit their character of burgess by non-residence afterwards. The number of burgesses at the present time is 12, exclusive of the guild stewards; of these twelve, there are five who do not reside within the borough.

Oaths taken at Ogbourne Court.

The burgesses, after their election, take the Oath of office on the first Saturday in Easter Term, at Ogbourne Court, a manorial court belonging to the honor of Ewelm. This court is held at a distance of 14 miles from Calne, and the guild stewards have always been in the habit of attending it, and of presenting to the steward of the honor or manor such burgesses as may have been elected during the year. The burgesses have always proceeded there for the purpose of being sworn, as appears by old entries in the books, of which the following is an example:—On 18th April 1711, a certain number of burgesses were elected, "in order to be presented to the steward of Her Majesty's court at Ogborne, and to take the customary oaths," &c.

Connexion between Calne and Ogbourne.

The connexion between Calne and Ogbourne is not very easily traced. By the Parliamentary Survey of 1652, as well as by a more ancient document in the office of the Duchy of Cornwall, an Inquisition taken 29 Edward I. (1300) it appears that Ogbourne was a member of the Honor of Wallingford and, as such, parcel of the Duchy of Cornwall. The Honor and Castle of Wallingford, with the members thereof, were disannexed from the Duchy by an Act of Parliament passed 31 & 32 Henry VIII. and other possessions given in exchange for them. That Act recites, that Wallingford would be commodious for the King, on account of its vicinity to his Manor of Ewelme, or Newelme, in Oxfordshire, and enacts that Newelme shall thenceforth be deemed to be an Honor, and Wallingford a Manor, making also the latter to be thereafter parcel and member of the Honor of Ewelme. In this way Ewelme came to comprehend within it several manors; but still it does not clearly appear that Calne was one of them. It is however certain, from Letters Executory, bearing date the 25th June, 11 Elizabeth, that the burgesses of Calne were tenants of the ancient demesne of the Crown; and therefore whether the Manor of Calne were or were not strictly parcel of the Honor of Ewelme, it is possible that the guild stewards and burgesses of Calne, as such tenants, might be compelled to do suit in the Royal Court at Ogbourne. However this may be, the practice of swearing in the burgesses before the steward of that court has always prevailed and exists, as has been mentioned, at the present day. A Fee is paid to the steward of the court by each burgess on taking the oaths: the amount paid latterly is stated to be half a guinea. This fee is all that is paid by a burgess for his admission, except the stamp; and no fees are paid on election to any other office.

Fees.

Functions of its members.

The guild stewards and the burgesses have no municipal Functions whatever to discharge beyond electing themselves, and nominating two constables in the way that will hereafter be mentioned.

Privileges and Exemptions.

The stewards and burgesses are exempt from serving on county juries. The Letters Executory of Elizabeth, which have been already mentioned, and which recite that the borough of Calne is of the ancient demesne of the Crown, state this exemption to belong to the men and tenants of the borough of Calne as tenants of the ancient demesne of the Crown, that being by custom the right and privilege of such tenants.

In 1711, there is the following entry in the books of the borough: "*Note*—There is commonly one beast lease allowed for paying the under sheriff 6*s.* 8*d.* as a fee to discharge the inhabitants of the borough of and from all suits and service of assizes, sessions, inquests, &c."

Claim by the Inhabitants to be exempt from County Juries, not allowed.

It appears that the inhabitants in general have been in the habit of serving on county juries. Upon the strength, however, of the foregoing documents they claimed two or three years ago to be exempt. This exemption was not allowed by the magistrates before whom the question was agitated. The claim made before the same bench of magistrates by the bailiff and burgesses, whose names had also been returned on the jury lists, was thought to stand upon a different footing from that of the other inhabitants, as it did not appear that they had ever been summoned to serve on juries before that time, and the exemption was allowed.

Officers.

4. The only ministerial officers of this body are the two guild stewards, and one or two constables.

Guild Stewards.

The Guild Stewards are the returning officers of the borough. The property of the corporation is under their management; they act as receivers and treasurers of the body, keep the accounts, and render them up soon after the expiration of their year of office. They have no salary or other emoluments.

Constables.

The guild stewards and burgesses exercise the right of appointing yearly, about Michaelmas, a Constable, who is called the borough or burgess constable. They have also been in the habit of nominating two other persons, who, together with the burgess constable, attend the borough or hundred court, where one of the two has usually been named by the jury as the

 colleague

colleague of the burgess constable, and is called the town constable. The jury, however, whose duty it is at that court to present the constables, have it seems claimed a right not only to depart from the practice of presenting the first of the two named, who is usually put into the presentment by the steward of the court, but also themselves to nominate and elect one of the constables; they have in some instances objected to all the persons sent down by the guild stewards and burgesses; and some or all of these questions are still in issue between the burgesses and the inhabitants forming the leet jury.

The burgess constable receives a salary of 3*l.* or three guineas from the corporate fund; but the town constable usually performs all the duties of the office, and as a remuneration receives the above sum from his colleague.

5. There used to be some years ago a Borough Court, besides the court which is now held, called the Hundred Court. The borough court appears to have been nothing more than a court leet, the jury of which was taken from the inhabitants of the borough. The business of the two courts is now performed by one jury in the hundred court, which is held before the steward of the lord of the manor. COURTS. Borough Court. Hundred Court.

A Court of Requests is held at Calne once in six weeks. It was established by 5 Geo. III. for the recovery of debts under 40*s.* within the hundreds of Calne, Chippenham, Damerham, North, and Corsham. The sittings are in succession at Calne, Chippenham, and Corsham. Though the Act seems to direct that they should be held every three weeks in Calne, it has not been adhered to in this respect. The guild stewards and the burgesses are *ex officio* commissioners; and there are also other inhabitants of Calne who are qualified to act, making in all the number of qualified commissioners in Calne about 46. The qualification required is the being a householder, and having a real estate of the value of 20*l.* a year, or a personal estate of the value of 500*l.* The guild stewards sit occasionally in this court, and some of the burgesses are also in the habit of attending. Six or seven commissioners usually meet together at Calne, and sometimes more. Court of Requests.

There are upon an average 40 causes entered for each sitting at Calne; of this number, about one-third arise in the town. It is said that this court is found to be very beneficial, and that it would be desirable to extend its jurisdiction to debts of 5*l.*, or even of a higher amount. Several instances were mentioned in which demands had been reduced from higher sums in order to take advantage of the process of this court, and thereby recover to the extent of 39*s.* At a very recent sitting of the court a demand was reduced from 6*l.* 14*s.* to the amount that has been mentioned; and the number of cases in which some abatement takes place, in order to bring them under the jurisdiction of the court, are estimated at one-fourth of all the causes which it has to try.

6. There is no Gaol within the borough of Calne. Persons taken in execution under the process of the court of requests are sent to the county gaol at Salisbury, a distance of 32 miles from Calne, and the plaintiff pays 6*d.* a mile for conveying them. When in the gaol, they are maintained by the county. For the last three months not more than two persons have been sent there. GAOL.

7. There is no Police Act which has a direct application to the town of Calne; and the only Peace Officers are the two constables and the parish beadle. POLICE. Peace Officers.

The town is partially lighted by the trustees of the turnpike road, who have put up lamps along the main street. The Turnpike Acts are 13 Geo. III., 32 Geo. III. and 53 Geo. III.: they expire in 1838. Lighting.

The guild stewards and burgesses are named as trustees *ex officio*, but cannot act unless they are qualified according to the provisions of the General Turnpike Act, which require that a trustee should be possessor of a real estate to the amount of 100*l.* per annum, or heir to one amounting to 200*l.* per annum. It is stated to us that there are about 16 inhabitants of the town in all who have qualified to act as trustees, and about 26 in the whole parish.

8. The income of the guild stewards and burgesses arises partly from the rent of land and partly from the interest of money lent on bond. REVENUE. Income.

The land from which the rent arises, consists of about 12 acres in Calne Marsh, which until lately were let for 32*l.* a year; but the rent is now reduced to 26*l.* This land was allotted to the guild stewards and burgesses, under an Inclosure Act, passed in the 53 Geo. III., intituled, "An Act for Inclosing Lands in the several parishes of Calne, Calstone, Willington and Blackland, in the county of Wilts." It recites, that the guild stewards and burgesses of Calne are, or claim to be, lords of and entitled to the manorial or other rights and soil, and to other privileges, of and in the commons called the Marsh and Alders; and are also, or claim to be, entitled to several other rights of common of, in and over the open and common fields, &c. within the borough of Calne. In respect of these claims, the above mentioned quantity of land was awarded to the guild stewards and burgesses, and that appears to form the whole of their real property at the present day, with the exception of their Guildhall, which has been thoroughly repaired recently at the expense of the Marquis of Lansdowne. The greater part of the remainder of their property consists in money, the gifts of various individuals between the years 1742 and 1759, which they have lent on bond to the trustees of the Bath Turnpike Roads. Rents.

CALNE.

Interest of Money.

When the inclosure of the commons took place, the guild stewards and burgesses claimed the timber growing upon parts of the common, and sold it for 550*l.* This sum is now also lent on bond at 4*l.* per cent. to the trustees; the other bonds carry interest at 5*l.* per cent.

Total Income.

The annual income of the guild stewards and burgesses, therefore, is as follows:—

	£.	s.	d.
Rent of land	26	–	–
Interest of 950*l.* at 5 per cent.	47	10	–
— 550*l.* at 4 per cent.	22	–	–
Total Income £.	95	10	–

Expenditure.

	£.	s.	d.
Of this income, there is applied in yearly salaries	4	3	–
Annual subscription to boys' school	5	5	–
Ditto to Mendicity Society	4	4	–
Repairs, incidental expenses and entertainments	81	18	–
	95	10	–

Almost the whole of the income of the corporation is in fact expended in entertainments, and in the expenses connected with the attendance at Ogbourne Court.

Accounts.

The Accounts are passed by the guild steward, whose year of office has just expired, before a general meeting of the burgesses, on or about the 24th of February; and the vouchers are then examined.

STATE OF THE TOWN.

9. The Manufactures of Calne, which were very flourishing in former times, have been for some years on the decline. Five or six cloth factories are now shut up, and the only ones at work are two small factories, the business of which is inconsiderable, and a larger one

Manufactures.

that employs rather more than a hundred persons in spinning and weaving. The population of the town of Calne is now principally agricultural.

Canal.

There is very little traffic on the Canal which enters Calne, except in coals. It is a branch from the Berkshire and Wiltshire Canal, and does not go farther than Calne.

Poor Rate.

The amount of the Poor Rate for the year ending Lady-day 1833 was 4,258*l.* 19*s.* 3½*d.* This rate was for the whole parish; and of the amount assessed, the sum of 90*l.* has not been collected, and there are about 97*l.* more on empty houses. The county rate levied, in addition to the amount of poor-rate above stated, is about 350*l.*

In 1831 there were in the borough 283 rate-payers, and 202 persons excused.

Population.

The Population of the borough in 1831 was 2,640; that of the entire district, which now returns the member, was in the same year 4,795. The number of votes is 191, including in that number 16 burgesses.

Magistracy.

Complaints were made by some of the witnesses examined before us, of the want of Magistrates in the town and neighbourhood; and a Memorial was addressed to us, signed by 44 persons, who were stated to be inhabitants of the borough or parish of Calne, and to be possessed of freehold property of the annual value of 100*l.* or personal property to the amount of 1,000*l.* and upwards. The object of the memorial was to represent the opinion of the parties signing it, that a corporation endowed with municipal powers is much needed in the town of Calne, and if established would be productive of beneficial results both to the town and surrounding district, and that a sufficient number of persons might be selected in succession to discharge municipal functions, who would at all times deserve the respect due to their authority. It is on account of this representation that we have been rather more minute than we should otherwise have been in furnishing *data* from which the condition of the town may be estimated.

Edw^d J. Gambier.
J. E. Drinkwater.

REPORT

ON

THE CORPORATION OF CHARD.

(SOMERSETSHIRE.)

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CORPORATION OF CHARD.

1. THE borough of Chard is situated within the parish of the same name; it is a district which has a churchwarden and overseers, and maintains its own poor. From these circumstances, attention has been paid to the Limits of the borough, and perambulations have taken place from time to time on the part of the parish, the last of which was made rather more than ten years ago, and was attended by the present town clerk on the part of the borough. The town, or continuation of streets and buildings, extends beyond the borough on the south side, and on the south-east; in the latter direction, the number of houses out of the borough are the most considerable, composing a suburb called the Old Town. The borough itself stands upon 52 acres of land, the greatest part of which is covered with buildings. On the north there are about five acres only extending beyond the streets of the borough, and not so much as a quarter of a mile of rural district on any side of it. LIMITS.

2. The corporation of Chard claim to be a corporation by prescription. The only charter of respecting which any certain information remains, is one which bears date the 29 June, 35 Car. II., and is kept in the corporation chest, but which the corporation repudiate as never having been accepted. All record of the transactions in the borough, which were cotemporaneous with the granting of this charter, is now lost, there being no book or memorial which goes farther back than the year 1696. It is a circumstance of great suspicion, that in the book which begins at this period, several valuable documents are copied professedly from an older town book, and are of a much earlier date; two of the year 1603, and one of the year 1627; and there are also two decretal orders made against the under tenants of the corporation, which were probably inserted in an earlier book, as they bear date the 15th and 21st years of James the First. HISTORY. Charter of Charles II.

The natural inference from these facts is, that there was some reason for then destroying the older books, and that they were so destroyed at that time, and not at any later period, after first extracting what it was important for the corporation to preserve.

The charter of Charles the Second begins by reciting, that the inhabitants of the borough of Chard had given the King to understand, that the charter of that town was forfeited by reason of divers misdemeanors and offences there committed and continued, in violation of an Act of Parliament made in the 13th year of the King's reign, for the good regulation and government of corporations, and had humbly supplicated him that he would restore and create them anew a body corporate and politic.

The charter then proceeds to incorporate the burgesses and inhabitants of the borough of Chard, by the name of the Mayor and Burgesses of the Borough of Chard, in the county of Somerset: it constitutes a mayor, 12 capital burgesses, and 24 inferior burgesses, a recorder, town clerk and serjeant at mace; makes the mayor, recorder and the capital burgess who last served the office of mayor, justices of the peace for the borough; gives them magisterial and criminal jurisdiction within the borough, and a court of record for causes of action, personal and mixed, arising within the borough. There were various other provisions in the charter, and the usual clause for removing the recorder, town clerk or any of the capital burgesses by writ, under the sign manual.

It has been already mentioned that no memorial remains of the proceedings of the corporation immediately upon the grant of this charter, which by the recital we may infer was obtained by the prayer of persons unconnected with, and probably hostile to that body. It may certainly be conjectured that this charter was forced upon the corporation, and by compulsion adopted up to the era of the revolution; that a portion at least of their members then returned to their ancient usages and modes of election; and that in order to destroy all vestiges of this forced acceptance of the charter, the old town book was committed to the flames. It is a curious fact, that the appellation of capital burgesses, which was created only by the charter, and did not belong to the ancient body, is to be found in several of the early entries which appear in the book commencing in 1696. This looks as if the term "*capital burgesses*" had become the designation of a particular body in the corporation, and as if an effort were required to break through the habit of employing that appellation.

Whether the ancient corporation ever adopted the charter of Charles the Second, and there was afterwards a schism, or whether from the beginning an independent body in the borough were invested with the offices created by it; certain it is, that in the year 1707, and probably for several years before, there existed a distinct rival corporation in the borough. Between these two bodies, as might be expected, various differences arose, and suits were commenced and prosecuted, which continued until both parties, weary apparently of the contest, Rival corporations

CHARD.

contest, came to an amicable agreement in the form of a deed, dated the 20th October 1707. To this deed several classes of individuals were parties, some being members of the new corporation, others of the old. The former covenanted that they would, after the space of three years, concur in any lawful act by which their charter might be determined; and arrangements were made for introducing a certain number of the chartered body into the ancient corporation of portreeve and burgesses, and for securing the portreeveship to individuals of the two bodies in alternate years.

The portreeve and burgesses ratified this agreement on 15th September 1708, and bye-laws were then enacted in conformity with it. No subsequent account is given of the corporation of the mayor and burgesses, and it is probable that in the course of years, by deaths, if not by resignations, it was dissolved and became extinct in point of law.

It was intimated to me that another charter relating to the borough of Chard was in existence, and in the hands of an individual living in the town. The gentleman who had obtained possession of it put it into my hands, and on inspection I discovered that it was only an exemplification, dated 8 December 2 Anne, of the enrolment of the former charter, and that it purported to have been obtained at the instance of John Lord Powlett, Baron of Hinton St. George.

Members of Parliament.

Chard returned Members to eight Parliaments, beginning with one summoned in the 6 Edward II. and ending with one in 2 Edward III.; since that time no election of Members of Parliament has ever taken place.

CORPORATE BODY.

Style and Constitution.

3. The Corporation is entitled, "The Portreeve and Burgesses of the Borough of Chard, in the County of Somerset;" and it consists of 12 burgesses, one of whom is portreeve.

Portreeve.

The mode of electing the Portreeve is as follows. A precept is yearly issued by the steward of the lord of the manor of Chard, directed to the portreeve of the borough, and commanding him to summon sufficient persons to appear at the court leet and view of frankpledge held in the month of October. Upon receiving the precept the portreeve convenes a meeting of the burgesses for the purpose of choosing a portreeve. This assembly is composed of a majority of the existing number of burgesses, and the portreeve must be present at it. One of the body is then selected to be portreeve for the ensuing year, and, as the office is considered a burdensome one, it is generally taken in rotation. On the day named by the steward for holding the court leet a jury are assembled, consisting partly of burgesses and partly of other inhabitants of the borough, and having the senior burgess for its foreman; the number of this jury varies from 16 to 23 or 24. The party previously nominated by the burgesses is then presented by the jury to the steward, and is immediately sworn in, but he does not enter upon his office until some day either at the end of December or the beginning of January, when his predecessor passes his accounts; he himself gives a bond to his brother burgesses truly to account, and not to expend beyond the sum of forty shillings without the sanction of a meeting; and the giving of this bond, as well as the accounting of the preceding portreeve, is required to take place before he can act as portreeve.

Residence.

In order to be eligible to the office of portreeve a party must be resident in the borough; and no instance has occurred in which a portreeve has not been resident during his year of office.

Burgesses.

The Burgesses are chosen by the corporate body from the resident inhabitants of the borough, and for the purpose of the election a majority of the existing body is deemed sufficient. When a burgess is to be chosen a special notice is given of the intention to do so.

Fees on Admission.

The burgesses on coming into the corporation do not pay the stamp and charge for admission themselves. These expenses are paid by the corporation. The charge made by the town clerk as payable in addition to the stamp is either 6*s.* 8*d.* or 13*s.* 4*d.*

The burgesses subscribe the declaration required by law at the time of their election, but take no oath of office.

Residence.

The number of the burgesses is now full, and all of them are resident within the limits of the borough, except one who lives only a quarter of a mile from the town.

OFFICERS.

4. The Officers elected by the corporation, besides the portreeve, are, town clerk, constable, two bailiffs, town crier and churchwarden.

Portreeve.

The Portreeve is the treasurer of the corporation. He receives the rents, makes all disbursements, and keeps the accounts during the year that he is in office. He has no emoluments of any kind. There was formerly an allowance of four guineas to each portreeve for keeping the accounts, but in consequence of the state of the revenues the corporation came to a resolution to discontinue it.

Town Clerk.

The Town Clerk is chosen by the portreeve and burgesses. His appointment is a general one, and the office has usually been held for life. It is the practice with the present town clerk to attend meetings of the corporation; but this was not always the case with his predecessors. He keeps a report of the proceedings of the corporation in a book which is called the minute book.

The town clerk is paid certain usual charges which he makes for attending corporate meetings, and his professional bills for business done from time to time as the solicitor of the

CHARD.

the corporation. The whole of the receipts of the present town clerk, as they appear in the accounts of the portreeves from 1813, the time of his first taking the office, to the close of 1830, including also the sum of 11*l.* for a piece of plate voted to him, do not average 10 guineas a year. Besides the amount received from the corporate fund, he is also paid by the tenants for preparing their leases.

Constable.

The Constable is appointed at the same meeting of the corporate body at which the portreeve is appointed. He is presented by the jury in the same manner, and is sworn by the steward. He has no duties beyond those of an ordinary constable, and receives no pay.

Bailiffs.

The two Bailiffs are chosen in the same manner as the constable. These two officers and the constable execute summonses, warrants and other such process within the borough. They receive nothing from the corporation.

Town Crier.

The Town Crier is appointed by the portreeve and burgesses. It is a permanent appointment. The crier acts as the beadle of the corporation. He receives nothing from the corporate fund except a coat and hat at stated periods.

Churchwarden.

The Churchwarden for the borough is nominated by the portreeve and burgesses in the week preceding Easter, and the nomination is delivered on Easter Sunday to the Vicar, who writes his acceptance of the person presented, and notifies at the same time the churchwarden whom he has appointed for the parish at large. The vicar always accepts the churchwarden nominated by the corporation. There is a difficulty in finding persons to accept this office, and for that reason it frequently becomes necessary for members of the corporation to take it upon themselves. There is not always a fresh nomination and appointment every year. The same party sometimes continues in the office a second or third year without any fresh election.

Courts.

5. No Courts of Justice are held for the borough. The corporation never had any jurisdiction either criminal or civil.

Police.

6. There is no public Police force in the town of Chard beyond the ordinary constables. Some watchmen are maintained by private subscription.

Lighting.

The corporation used, until very lately, to bear the whole expense of lighting the town. During the present year gas has been introduced, and the corporation now subscribe 30*l.* towards the lighting; the rest is done by private subscription.

Roads. Water.

The Roads in the borough have been repaired by the corporation from time immemorial, and a few years ago they contributed largely to the paving of the town. The supply of water for the use of the inhabitants is brought from the upper part of the town by conduits which are kept in repair by the corporation.

Revenue.

7. The Revenues of the corporation are derived from,—

1. Tolls and standings of markets and fairs.
2. Rents of houses, &c. in the borough.
3. Fines on renewals.

Income. Tolls.

The Tolls of the fairs and markets are let at rack rent for a term of seven years, determinable by either party at the end of three or five years. It has been the practice for many years to let these tolls, and they have always been either put up to auction or let by tender. The present lease was by tender. The amount of rent reserved under it is supposed to be higher than can be obtained in future leases.

Houses and Land.

The Houses and other property belonging to the corporation are let for 99 years, determinable on three lives. The amount of fine is left to the discretion of the town clerk, who is determined in his adjustment of the fine by his own knowledge or observation of the circumstances of each particular case. No estimate has ever been made of the full annual value of the corporate property. The number of leases is 28, but in some of these leases several tenements are comprised. The present amount of head rents reserved under these leases is 22*l.* 15*s.* 3*d.* They have been increased in the leases that have been made of late years.

There are some small quit rents, or fee farm rents, which the corporation receive in respect of other houses in the town, and which have decreased in amount from time to time as houses have been pulled down. These they receive on account of the lord of the manor, but the payment to him is a fixed one, and exceeds in amount what the corporation now receive.

Renewals.

It is not easy to obtain from the books of the corporation an exact account of the fines which have been received during the last five and twenty years. The book called the survey book is by no means in a perfect state, and the annual accounts do not always express fully the particulars relating to the fines. The town clerk states that their average annual amount, during the 20 years that he has been in office, has been 26*l.* 14*s.* Taking an account of them for 25 years as accurately as the books enabled me, I make them average rather more than 30*l.* a year. It is probable that they will reach this latter amount in future years, both because the town of Chard is improving in point of prosperity, and because more attention appears to have been paid to the corporate property during the few last years. In 1821 a complaint that it was not attended to, and that it was suffered to fall into decay and want of repair, was made by the portreeve, and is recorded in the book of the corporation.

CHARD.
Expenditure.

The heads of expenditure are,—

1. Repairs of roads, conduit and public buildings.
2. Interest of debt.
3. Entertainments.
4. Subscriptions and sundries.

The accounts are not drawn out in a manner which enables me to separate in the different years the disbursements which are to be referred to each of these heads. The names of tradesmen and the amounts of their bills are stated; but the object of the outlay in the particular case very seldom appears, as will be seen by the accounts that I shall hereafter insert. The only information which I obtained with regard to the repairs was, that the average expenditure on account of repairs in the years 1830, 1831 and 1832 was as follows:

Repairs.

Roads, £. 34. 14. Conduits, £. 2. 15. 1. Public Buildings, £. 32. 11. 5.

And that the repairs for the roads, pavements, &c. for the present year would considerably exceed this average. With regard to their buildings, it appears that they have two at present in existence, which were originally applicable to civic or other public purposes. One of them, called the town-hall, was originally built as an assize-hall, and is now converted into a market-house; the other is the proper guildhall of the borough, but, as the town clerk stated, is not in winter time used by the corporation, the windows having been some time since broken and not having yet been repaired.

Interest of Debt.

The interest of the debt has for the last three years been 7*l.* 10*s.*, being 5 per cent. on the principal sum, 150*l.* To this sum must be added 75*l.* which was borrowed in 1833, and which will make the amount of interest in future years 11*l.* 5*s.* The paving of the town within the last four years has been the principal cause of this debt being incurred. It is secured by the joint and several promissory note of the burgesses.

Entertainments.

The principal entertainment given in the course of the year out of the corporate fund is a dinner at the court leet. From 24*l.* to 30*l.* appears to be the cost of it.

There is an annual subscription, which has been mentioned, of 30*l.*, which will appear in the future accounts. The subscriptions which have been made in past years have been for purposes of public improvement or for the relief of the poor.

Receipts and Disbursements.

The following accounts of receipts and disbursements for three years, reduced in some measure to heads, will show the nature and amount of the revenues, and the manner in which they are accounted for:

1830. RECEIPTS.

	£.	s.	d.
Balance of former Account	27	7	3
R. B. Brown, Rent	95	10	–
Head Rents for 1830 £.22 15 3			
9 12 –			
	32	7	3
Sweepings of the Borough	3	18	–
Cash of the Road Surveyor, Town's Improvement	1	–	–
Earl Powlett's Quit Rents	3	8	11½
£.	163	11	5½

1830. EXPENDITURE.

	£.	s.	d.
Sweeping Town	2	18	8
Repair of Roads	12	14	3½
Town Clock	2	10	6
Subscription to employing the Poor	3	–	–
Interest on 150*l.*, one year	7	10	–
Earl Powlett's Quit Rent	4	3	–
Mr. T. Forsey, Balance of Account	10	–	–
J. Toms, Printing, Advertising	7	15	4
Ditto for Ironmongery, &c.	2	5	9
Messrs. Tucker & Forward's Account	6	15	11
Mr. Grove, as per Bill	9	6	–
W. Wine - - ditto	4	13	4
Wightman - ditto	3	9	4
Pitman's - - ditto	–	10	–
T. Forsey's - ditto	6	5	4½
Selwood's - - ditto	1	18	7½
T. Brown's - ditto	12	5	8½
N. Jeffery's - ditto	4	12	3
R. Mayo's - ditto	24	15	–
C. Locock's - ditto	7	2	6½
Mr. Leman's - ditto	6	6	–
Sundries	15	12	11
£.	156	11	1½

1831. RECEIPTS.

	£.	s.	d.
Balance of former Account	7	1	4
R. B. Brown, Markets, half year due at Midsummer	47	15	6
Head Rents for 1831 (due 15 *l.* 12 *s.*)	17	15	3
R. B. Brown, half year	47	15	6
Earl Powlett's Rent (due 3 *s.* 4 *d.*)	3	5	7½
Subscription towards Butcher's Stalls	21	5	–
For Sweepings of the Borough	1	15	–
£.	146	13	2½

1831. EXPENDITURE.

	£.	s.	d.
Stones to repair the Road	3	16	8
Sweeping Town and repair of Roads	11	2	2
Drawing Stones	1	1	–
Paid Mr. Tucker towards surveying the Line of the intended Rail-road	5	5	–
Mr. Jeffery, as per Bill	31	2	10
Mr. Forsey, as per Bill	33	2	3
Mr. Drayton, as per Bill	3	10	–
Mr. Selwood, as per Bill	5	9	–
Mr. Wilkins, as per Bill	5	4	–
Locock, as per Bill	4	13	8
Mr. Mayo, as per Bill	4	5	6
Interest on 150 *l.*, one year	7	10	–
Removing a Window to widen Road	3	–	–
Earl Powlett's Quit Rent	4	3	–
Coronation, Subscription for regaling the Poor	5	5	–
For pitching the Baptist Chapel	1	–	–
Subscription to Sunday School	1	1	–
Sundries	15	13	8½
£.	146	4	9½

1832. RECEIPTS.

	£.	s.	d.
Balance of former Account	–	8	5
Earl Powlett's Quit Rents	3	8	11½
Head Rents (due 20 *l.* 12 *s.* 4 *d.*)	17	15	3
Rent of Markets	115	–	–
£.	136	12	7½

1832. EXPENDITURE.

	£.	s.	d.
Sweeping Town and repairing Roads, one year	9	14	6
Paving	40	–	–
Hall Doors and other repairs	14	14	3½
Repairs and Salary for Town Clock	1	15	–
Masonry Bill for Repairs	3	2	1½
Ditto	–	8	6
Subscription for watching	5	–	–
Quit Rent, Earl Powlett	4	3	–
Interest on 150 *l.*, one year	7	10	–
Mr. Mayo's Bill	28	15	6
Mr. Jeffery's Bill	4	6	6
Mr. Toms's Bill	6	15	7
Sundries	6	7	5½
£.	132	12	5½

CHARD.

The following may be taken as an estimate of the probable future income and expenditure of the corporation; some smaller items are not taken into the account on either side:

Future Income.

Income.	£.	s.	d.
Rents of Markets, &c.	100	–	–
Head Rents reserved	22	15	–
Renewals	30	–	–
£.	152	15	–

Future Expenditure.

Expenditure.	£.	s.	d.	£.	s.	d.
Repairs, viz.						
Roads	35	–	–			
Conduits	3	–	–			
Public Buildings	33	–	–			
				71	–	–
Interest of Debt				11	5	–
Town Clerk and Law Expenses				10	–	–
Subscriptions, &c.				35	–	–
Petty Disbursements and Sundries				5	–	–
				132	5	–
Surplus applicable to Entertainments or Reduction of debt				20	10	–
£.				152	15	–

Accounts.

The accounts are made up to the end of every year, and are audited as near that time as possible. They are examined by such of the burgesses as are present at the meeting, and are signed by those who examine them.

State of the Town.

8. The town of Chard has been growing in importance during the last seven years. The manufacture of lace has been introduced since the year 1821, and some of the factories are now very considerable. There are also cloth factories, but not of the same importance. Some idea may be formed of the effect produced by the introduction or enlarged operations of these establishments by the great increase which has taken place in the population. By the Census of 1821, the population of the borough and parish amounted to 3,106; by the Census of 1831, it was 5,141, showing an increase of 2,035, which increase, no doubt, took place principally in the borough.

Manufactures.

Population.

In 1831 the families in the borough employed in Agriculture were - 19
— in Trade and Manufactures - - - - 374
Others - - ditto - - not employed as before - - - - 96

Poor Rate.

The comparative expenditure on the poor in the parish and borough will also afford evidence of the present improved condition of the latter.

Expenditure out of the poor-rate:

	Parish. £.	s.	d.	Borough. £.	s.	d.
1829	1,100	15	–¾	580	19	6½
1830	1,207	7	7	552	7	5½
1831	1,277	11	9	545	16	4½
1832	1,697	19	1¼	514	14	1

This comparative increase in the poor rates of the parish might be ascribed to an augmented population in that part of the town which is beyond the limits of the borough. But the most considerable part of the town which is thus situated is an ancient suburb, which is called the Old Town, and the whole population of the town without the borough does not much exceed 500 persons.

By the Census of 1831 it also appears that the comparative population of the borough and parish were then as follows:

Borough, 2,511 - - - Parish 2,630

Taking 500 to be the number of persons, living in the suburbs, there must be above 3,000 living within the circuit of the town. The number of houses is said to be daily increasing. Under these circumstances it is natural that the inhabitants should desire to have local magistrates and local courts, as being required by the growing importance of the place. With regard to a municipal magistracy, there does not seem to be any pressing occasion for their appointment at the present time, two county magistrates being resident in the parish, and a petty session attended by three magistrates being held once a month in the town of Chard. But the existence of county magistrates near any particular spot is not with any degree of certainty to be calculated upon. With regard to local courts, the inhabitants of Chard testified their anxiety for the establishment of them by a petition, very numerously signed, having been addressed to the legislature on the subject of the Bill which was introduced during the last session. But it is evident that no magisterial or judicial power could be bestowed upon a body constituted like the corporation of Chard with any good effect, or with any hope of gaining the confidence of the inhabitants of the town. The boon, therefore, which many of the inhabitants appear to desire, would not be valued by them, nor answer its proper ends unless it were accompanied with an alteration in the mode of choosing the members of the corporation.

Municipal Magistracy.

Local Courts.

Edw^d J. Gambier.

REPORT

ON

THE BOROUGH OF CHIPPENHAM,

(WILTSHIRE.)

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BOROUGH OF CHIPPENHAM.

1. THE Borough of Chippenham is a very small part of the parish of Chippenham, which is about six miles in length from east to west, varying in width from one to two miles. The boundary is described in general terms in one of the charters. LIMITS.

It was made the subject of dispute in the time of James I., and was then ascertained by referees appointed under the authority of the Court of Chancery; but the result of that inquiry having been the establishment of a distinction in favour of all the tenements which then stood within the borough, to the exclusion of all that might be subsequently erected, that decision has not left a permanent record of any territorial boundary, nor are we aware of any privileges now limited or defined by any such line. Those alone are considered freemen who inhabit the ancient tenements, which are now called burgages, although, as already mentioned, the distinctive line between them and the others was not drawn until the time of James I. Decree in Chancery.

The whole parish of Chippenham is included in the boundary of the borough for the purpose of parliamentary representation with the adjacent parishes of Hardenhuish and Langley Burrell, and the extra-parochial district of Pewisham, which was formerly the Forest of Chippenham, and is surrounded by the rest of the parish. Additions by the Boundary Act.

2. Chippenham is one of the oldest towns in the kingdom; but did not receive any charter of incorporation until the time of Mary, and the corporation now possesses no record of any earlier grants of privileges. This charter granted on the 2d May 1554, was confirmed by Inspeximus of 29th January 2 Elizabeth, and the borough is still regulated according to its provisions, except so far as they have been modified by the decree in Chancery already mentioned. HISTORY.

In 1684 Mary's Charter was surrendered to Charles II., and on the 13th March 1685, the borough received from James II. a new charter drawn up with the provision for removal of corporate officers, which the charters of that date usually contained. The corporation accepted this charter and acted under it, as appears from the following entry in the council books. "The names of the bailiff, burgesses and freemen of the said borough, who were sworn in all respects according to the direction of the charter granted by our Sovereign Lord King James II., A.D. 1684-5." In January the power reserved to the King in council was put in force, the bailiff and four burgesses were displaced and others chosen in their room. In the following year, upon the issuing of the proclamation for restoring corporations, the bailiff and some of the burgesses that were so at the time of the surrender of the old charter, assembled together, and finding that three of the burgesses who were so at the time of the surrender had died, and a fourth removed out of the borough, proceeded to elect four burgesses to supply these vacancies. From that time the elections have been regulated by their old charter, which is now the governing charter of the corporation. Surrender of Charter. Charter of James II.

3. Mary's charter constituted the corporation of Chippenham to be of one bailiff and twelve burgesses, by the title of "The Bailiff and Burgesses of the borough of Chippenham, in the county of Wilts." There is also in the borough a varying number of freemen not exceeding 129, who are not now considered part of the corporation, but are in a certain degree connected with it. CORPORATE BODY. Constitution.

The Bailiff is chosen annually on Michaelmas-day. The bailiff and burgesses (generally the whole number) meet in an upper room of the Guildhall, and the freemen in a room below; the bailiff and burgesses select two of themselves, whose names are carried down to the freemen by the under bailiff. The freemen elect the bailiff from the two candidates, signifying their choice by sticking a pin in the name of the one chosen. The candidates are generally chosen according to ancientry, or from the burgesses who have not yet served the office of bailiff. It generally happens that the freemen return the first name of the two, but not invariably. The burgesses do not now take part in the election by the freemen, but in the only two instances which we could find of a poll in modern times, in 1797 and 1801, the burgesses appear to have voted as freemen in the final election. The new bailiff is sworn in before the bailiff of the preceding year and the other burgesses present, and takes office immediately on his election. Election of Bailiff.

The bailiff and burgesses fill up vacancies in the number of burgesses from among the freemen. They are chosen for life, but if a burgess ceases to reside in the town, it is usual for him to resign. No instance could be mentioned to us of a poll on this election. A majority of burgesses is always present; one instance occurred last year in which a burgess was chosen in the absence of the bailiff, but he was not sworn in till a subsequent meeting, at which the bailiff and six burgesses attended. No fees are paid either on the election of bailiff or burgesses. Election of Burgesses.

The Freemen of Chippenham are the bailiff and burgesses, and those who occupy what are now called the burgage tenements; which are in fact tenements on the site of those which were standing within the precincts of the borough in 1603. In order to explain the manner in which these tenements came to be so distinguished, it is necessary to go into some detail with respect to the important decree in Chancery in that year. Mary's charter, reciting that the inhabitants and burgesses were grievously burdened, as well in the maintenance of two Freemen.

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burgesses in Parliament, as in the reparation of a great bridge built over the water of Avon, and of a certain back or way called the Causeway, granted certain lands called the Borough Lands to the bailiff and burgesses and their successors.

Decree in Chancery.

On the 19th May 1602, a dispute appears to have arisen among the burgesses, and two of the number, Edward Stafford and William Exham, were "disfranchised and excluded out of the fellowship of burgesship, for that by learned counsel their habitations and dwellings are not within the limits and bounds of the borough, and therefore not to be members of the body politic there." Several other freemen appear to have been excluded at the same time, and on the same ground, from sharing in the benefit of the borough lands. Upon this a Bill was filed in Chancery against the bailiff and burgesses, declaring that, Whereas the borough consisted of divers streets, &c. within the precincts and circuit of the town, whereof one was called St. Mary's-street, and was borough time out of memory, and all the inhabitants of that street bore the expenses of the bridge and causeway, reciting Mary's letters patent, and declaring their intent to be that the overplus of the issues and profits of the lands, &c. should not be to the bailiff and 12 burgesses alone, but be equally divided amongst all the inhabitants and poor commoners of the town and borough; yet they applied the same to their own use and such as they liked of, and pretended that St. Mary's-street was not in the borough, &c.

The matter of this complaint was finally referred by the Chancellor to Sir J. Hungerford and others for amicable adjustment. The certificate of the referees returned into Chancery began by setting out an award in the 16th year of Elizabeth, "leading them to understand that the principal grief was in misemploying the town lands given by charter for charitable uses or the public good of the town unto the private benefit of some few of the inhabitants."

They then certified that St. Mary's-street was part of the borough, and that the persons disfranchised, upon supposal that they dwelt not within the borough, were not lawfully disfranchised. "And as concerning the profits of the town lands, how thereafter they ought to be employed to those charitable uses for which they were given by the late Queen Mary, they did with assent (as they took it) of the whole corporation, or at least of the greater number of them, digest into divers articles, divers ordinances to be observed for ever amongst them, which orders therewithal they most humbly presented unto his lordship." Most of these articles relate to the method of stocking and using the town lands, and dividing the profits among the burgesses and freemen, which are for the most part observed to the present time. The most important clause, and that which has had the effect of disfranchising all the other inhabitants of the borough is contained in the following passage,—

"Item, it is further ordered, granted and agreed, that no inhabitant or householder within the said borough, taking or who is to take any benefit of the said borough lands by virtue of these presents, shall at any time hereafter divide his tenement, house or habitation into divers parts or habitations, or into more habitations than one, whereby any person or persons inhabitants thereof shall or may take any benefit of the said borough lands by virtue of this decree; and that no inhabitant which at any time hereafter shall dwell in any new-erected house within the said borough, where no house or habitation was at the time of the making and establishing of this decree, shall have or take any benefit of the said borough lands, or of any part or parcel of the same." This award was confirmed by order of the court, and

Charter of James I.

afterwards by charter of James I.

It appears that this decree excited at the time considerable dissatisfaction among some of the town's-people; at least that may be presumed both from the terms in which the assent of the corporation is mentioned in the certificate, and also from an ordinance entered in the council book, during the time when Edward Stafford was bailiff, the same who had been disfranchised in the beginning of the dispute, and who with the others was restored by the award. After reciting that "great charges and expenses had been disbursed, and much travel and labour had been bestowed in establishing and settling the borough lands as then it stood, decreed by the decree of the High Court of Chancery, and especially to the end to unite, establish, nourish and settle perfect peace and amity between the said bailiff, burgesses and inhabitants which for a long time had remained at variance, and unreconciled by means of some few persons having turbulent and working spirits: It was ordered, that if any such turbulent person or persons from thenceforth out of a factious humour, either in words or speeches, deprave or abuse the said bailiff, or any of the burgesses of the borough, in or about the said premises so worthily established and decreed as aforesaid, or move or stir up any other of the said inhabitants to be adherents or consorts unto him or them in any such factious or seditious purpose," the offender should be deprived of all benefit in the borough lands until submission.

According to the terms of the award, it appears to have been in the first instance merely a limitation of the persons who were to take benefit from the borough lands, and ought not to have been construed as affecting the political or municipal rights of those who might otherwise claim to be considered as freemen. That construction has, however, been put on

Decision of House of Commons.

it, and a decision of the House of Commons in 1803, that the right of election for burgesses to serve in Parliament, was in the bailiff, burgesses and freemen, being householders of, and resident in, the ancient burgage houses within the borough of Chippenham, completed the disfranchisement of the other inhabitants. It should have been mentioned that the decree contains a special clause including the bailiff and burgesses among the inhabitants, whether or not they reside in the ancient tenements. A roll is now kept of the free tenements; as soon as any person is put in occupation of one of them, he applies to the bailiff and burgesses to be enrolled among the freemen. At the next common hall, after the claim has been made, the applicant is admitted, and sworn to his freedom. The occupancy must be *bonâ fide*; but if so, a day's

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occupation is sufficient, and as soon as the freeman quits the tenement, his rights and privileges as a freeman are suspended. On returning again to occupy a free tenement, either the same or a different one, no new admittance is necessary to restore him to his former rights, but the fact is merely reported to the corporation. A list of freemen, and of freemen's widows, in the occupation of free tenements, is made out annually; this is called an ancientry, and the profits of the borough lands are shared according to it. Some trace remains of what probably conferred the old right of freedom, which was destroyed by the award and decision of the House of Commons, in a distinction that is still observed in the fees paid to the corporation on admission. A stranger is admitted on a 3*l.* stamp, and pays 1*l.* to the corporation for his admission; but the son of a freeman born during his father's freedom, one apprenticed to a freeman for seven years, or the husband of a freeman's daughter or widow, is admitted on a 1*l.* stamp, and pays only 3*s.* 4*d.* for his admission fee. The freemen enjoy no particular exemptions or privileges, except sharing in the election of Members of Parliament, and in the election of the bailiff; the profit which they have of the borough lands will be described under the head of Revenue.

Bye-laws.

Soon after the grant of Elizabeth's charter, the corporation seem to have endeavoured to exercise some controlling power over the inhabitants; accordingly, in the 39th Elizabeth, a set of bye-laws were framed by the bailiff and burgesses "with the consent of the chief commons," providing in the first instance, under penalty of fine and disfranchisement, for the attendance of all the inhabitant householders on the bailiff and burgesses when summoned for the composition and maintenance of good order within the borough." The power was also assumed of interdicting offenders against the regulations of the corporation from buying or selling within the borough, on pain of fine and imprisonment. Bakers offending against the assize were to be set in the pillory; every tippler setting up a tippling shop to be bound by recognizance according to the statute, with other like regulations for butchers, brewers, chandlers and others; every burgess was required to have in his house a staff and a club, and every other inhabitant householder a club, to come forth whenever need should require, on pain of 12*d.* for every time offending. One of the bye-laws also ordered, that "no inhabitant within the borough should seek for reformation or justice to be ministered in any matter touching good order within the borough at any justice, steward, court or officer's hand, other than at the bailiff and burgesses, without license of the said bailiff and burgesses, upon pain every offender to lose his and their whole freedom."

These bye-laws appear to have been made under the general authority given in the charter to frame ordinances for the government of the artificers and tradesmen, inhabitants, and victualling of the borough. To several which are enforced under pecuniary penalty, an addition has been made, obviously in a different hand-writing, and at a later period, to the effect "that the offender should also be debarred of all benefit out of the borough lands until he submit himself." This addition may have been made, either upon the decree by which a benefit was given to all the freemen in the borough lands, which before that time they seem not to have enjoyed, or when the powers of the bailiff and burgesses were found inadequate to enforce any other form of penalty for disobedience to their regulations. All authority which they may at any time have possessed is now entirely gone.

Officers.

4. There are no Officers of the corporation except the bailiff, town clerk and an under bailiff, whose principal duty is to manage the corporate property. The constables and other officers of that description are appointed at the court of the hundred. Formerly they seem to have had some connexion with the corporation, for there is an order of 1633, in the council book, that the constable of the borough should give a yearly account to the bailiff. In 1637 and other years, searchers of leather were appointed.

Bailiff.

The Bailiff acts as the treasurer of the corporation; receives all the revenues, and makes all the payments. He is a commissioner of the Court of Requests. He is also the returning officer of the borough. He has a salary of 5*l.* and no other emoluments of any kind, except an increased share which all the burgesses have in the division of the profits of the borough lands.

Town Clerk.

The Town Clerk is not named in the charter, but has been in the borough at least from the time of Elizabeth. Among the bye-laws already recited of that date, one provides that all forfeitures and amerciaments from 4*d.* and so upwards to 12*d.* should be allowed to the town clerk, and of all the premises from 12*d.* and so upward 4*d.*; and for every man made free or sworn to any office, 4*d.*; and for registering every apprentice's name, 4*a.*; and for yearly stipend, 20*s.* The town clerk is appointed annually on Michaelmas-day by the bailiff and burgesses. The present town clerk is one of the burgesses, and has been so since 1806. In 1830 he was chosen bailiff, and for that year another town clerk was appointed. He receives a salary of 4*l.* 4*s.* besides law charges for professional business, amounting in ordinary years to 5*l.* or 6*l.* more. His duties as town clerk are confined to attending the meetings, and recording the proceedings of the bailiff and burgesses. He also transcribes the accounts of the bailiff into one of the books of the corporation.

Sub-bailiff.

The Sub-bailiff is merely a steward or overlooker of the borough lands. He receives 6*l.* or 8*l.* a year from the corporation. He is appointed annually by the bailiff. The same person is generally re-appointed.

Court of Requests.

5. The Court of Requests for the recovery of debts under 40*s.* sits every week at Chippenham. It is said to be much used, and that it would be a great convenience if its jurisdiction were

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were raised in amount. It is the same court which sits alternately at Calne and Corsham, under the 5th Geo. III. The average cost of recovering a debt in it is said to be from 4*s.* to 6*s.* The bailiff and burgesses of Chippenham are all commissioners *ex officio;* only a few are in the habit of attending the court.

POLICE.

6. There is no public provision for the Police of the town of Chippenham. Owing to the large agricultural district within the parish, the rate-payers will not consent to the introduction of any measure which would charge the expense on the whole parish. There are two watchmen in the town paid by private subscription, under the direction of a committee of the inhabitants; the same parties pay a single police officer in the day-time. The town is also lighted by subscription. The county magistrates hold a petty sessions in Chippenham once a month, and there is usually one magistrate in the town every Monday. There are no resident magistrates in the town, and very few in the neighbourhood, which is felt as a great inconvenience.

REVENUE.

7. The Revenue of the corporation consists chiefly in the rent of about 34 acres of land, which they have of their own property, and in the various sums which they receive from the freemen for the privilege of stocking the common lands of the corporation. The first mentioned land is let on a seven years' lease, for the best rent that can be got by public auction, no fine being taken.

Englands.

The common lands known by the name of Englands are stocked by the freemen, each having the privilege of putting in two horses or six beasts: 1*l.* 8*s.* 2*d.* is paid for every horse, and 18*s.* 10*d.* for a cow; this is said to be nearly as much as the feed is worth. Other borough land called West Mead is laid down in meadow, and the grass is divided annually among the bailiff and burgesses and the 97 first freemen on the ancientry.

West Mead.

The extent of West Mead has varied slightly by purchase, and the number who share the grass has been altered accordingly, the mode of sharing being universally the same; there are now 37¼ acres. An acre is first set out for the bailiff and each of the 12 burgesses, and the remaining 24¼ acres are divided into quarter acres, called farthingdoles, and each of the 97 freemen is entitled to one. None are allowed to enter the mead till the bailiff has cut his acre, but after the bailiff has carried, any one is at liberty to cut his farthingdole when it suits himself; application is made to the sub-bailiff, who, if necessary, treads down a path to the specified farthingdole. The bailiff and burgesses pay each to the common fund 6*s.* for their acre, and the other freemen 1*s.* 6*d.* each for the farthingdole. The value of a farthingdole is said to vary from 7*s.* to 10*s.*; it may be sold, but only to a freeman. The freemen are said to be much attached to this thriftless mode of occupying their property, and a great portion of the field is cut in these small portions. About 13 acres of the mead do not belong to the corporation, but are in the hands of individual freeholders, who hold their portion in the same manner as the corporation hold theirs. After the grass is cut, the whole mead is stocked in common by the freemen and freeholders, the freemen paying 4*d.* to the corporate fund for every beast which they put in, and the freeholders putting in three beasts for every acre free of any charge. The winter feed after the 4th of November is leased out by auction.

Canal shares.
Burgess money.

The rest of the corporation property consists of two shares in the Kennet and Avon Canal, and the admission fees for freemen. These can never amount to much, owing to the limited number of freemen. There have been fewer applications than usual since the passing of the Reform Act. Three were admitted this year, and one in the last.

Expenditure.
Bridge.

The corporate property is applicable, in the first instance, to the repair of a stone bridge of twenty-two arches over the Avon, and the maintenance of a pitched causeway as a foot-path from Derryhill to Chippenham, a distance of about 2½ miles. The corporation have always been in the habit of lighting as well as repairing the bridge, and have on it at present 13 or 14 lamps; these are only lighted in winter. This has always been a very burdensome charge upon the corporate funds. After bearing these expenses and the salaries of the bailiff and town clerk, and other outgoings, the surplus, under the name of lot money, is divided among the freemen according to the ancientry. The practice is to divide the whole among 68 in order on the roll, and among the same number at each subsequent division, beginning on each division with the freemen next in order on the roll below the last of those who shared on the previous occasion, and circulating continually in this manner round the ancientry. The last time that any lot money was shared was in 1789, when 68 freemen received 10*s.* each. Whenever any extraordinary charges have occurred, which have generally been occasioned by the bridge, the lot money has been discontinued till the arrears were made good. This plan was resorted to so far back as 1615, when three pillars and two arches were rebuilt at the cost of 79*l.* 7*s.* 10*d.*, the whole yearly value of their lands granted to them by Mary's charter being estimated in 1554 at only 9*l.* 12*s.* 8*d.*; they must, however, have greatly increased in value in the interval, for the lots were only discontinued for two years. This seems to have been the greatest outlay at one time upon the bridge until 1796, when it was decided that it should be widened and thoroughly repaired. As the ordinary revenues of the corporation were totally inadequate to this expense, it was at first proposed to borrow 600*l.* on corporate bonds, but it was found that this sum would be insufficient, and it was resolved to mortgage the borough lands. At the same time a resolution passed the council, which has been rigidly adhered to from that time, that no money should be spent in entertainments until the debt should be discharged.

Debt.

Between the years 1799 and 1801, 1,200*l.* were raised by mortgage of Englands and West Mead at 5 per cent. The charter of Mary was also deposited by way of collateral security in the hands of the mortgagee, who still has the custody of it. The interest has been since lowered

lowered to 4½ per cent. and the principal debt is reduced to 450*l.* having been paid off in the following manner:—

Year.	Debt. £.	s.	d.	Payment. £.	s.	d.
1797	800	–	–	—		
1801	1,200	–	–	—		
1813	1,000	–	–	200	–	–
1824	900	–	–	100	–	–
1826	800	–	–	100	–	–
1828	650	–	–	150	–	–
1831	450	–	–	200	–	–

The annual revenue and ordinary expenditure of the property belonging to the corporation, calculated in each case on the average of three years preceding 1832, except the item of interest, which is taken at the present amount, may be stated as under:—

Income.	£.	s.	d.
Rack Rents	170	–	–
Quit Rents	–	12	6
Stocking in Englands	81	18	6
Ditto in West Mead	1	8	5
Grass-money	11	3	6
Canal Shares	2	10	–
Freedoms	9	11	1
£.	277	4	2

Expenditure.	£.	s.	
Tithes, Rents and Taxes	61	15	5
Salaries	12	4	–
Law	9	1	8
Labour and Repairs	72	–	9
Interest	22	10	–
Printing, Coals and Candles, Postages and Travelling Expenses	16	3	2
Miscellaneous	15	8	11
Balance	67	10	3
£.	277	4	2

Thus it appears that there is every year a balance accumulating towards the reduction of the debt, and that on its final extinction an annual surplus may be reckoned on, amounting to about 90*l.*, according to the present method of conducting the affairs of the corporation.

The bailiff and burgesses consider themselves authorized to expend the corporate property in any thing tending to the public advantage of the town. Thus, for instance, in the present year they have subscribed 100*l.* towards a contemplated Act for lighting, watching and improving the town and borough. They keep in repair a town pump for the use of the public, water being greatly wanted in the town. A scheme has been in contemplation for bringing in water by pipes from Derry Hill, and we were informed that the corporate property would be considered applicable in furtherance of that object. In this particular the corporation of Chippenham (for the last 40 years at least) appears entitled to creditable distinction, especially considering its limited means.

At some former period, which cannot now be ascertained, there seems to have been an alienation of some of the borough lands. The parcels as set out in Mary's charter are,—

A close of pasture, called Englands, containing by estimation	17 acres.
A mead, called West Mead	30 „
A messuage, the moiety of a yardland and four parcels of land, called Poxes, in Rowder Down	120 „
A close in Chippenham, called Burleaze	4 „
Arable land in the Common Field of Chippenham	21 „
A coppice, called Rowder Down Coppice	21 „
Total	213

Pasture in Chippenham, called Boltscroft (admeasurement not set out). The whole grant thus appears to have been 213 acres, besides Boltscroft.

The present description and gross admeasurement of the borough lands belonging to the corporation, as ascertained in 1781 and as it still remains, with the addition of a purchase annexed to the West Mead, making it now 34¼ acres, is,—

	A.	R.	P.
Englands and Claypoles	56	–	11
West Mead	30	3	15
Bumpers	15	2	–
Little Field	10	1	31
Little Worth	2	2	31
Hulbert's Hold	5	1	21
Blackwell Hams	6	1	13
Total	127	1	2

Besides about 14 acres of Charity property, leaving a defalcation of nearly 86 acres, besides Boltscroft, of which no account can now be given.

CHIPPENHAM.

In the 5th year of James I., Englands, West Mead and Boltscroft were seized by the Crown as assart lands of the King's Forest of Chippenham, alias Pewisham, and the corporation were compelled to repurchase them. This transaction does not serve to explain the diminution.

In 1615, the year of the reparation of the bridge, there is an entry that Burleaze and Boltscroft were mortgaged to the bailiff for two years, to secure the repayment of 16*l.* advanced by him. Even if he had retained them in satisfaction of his debt permanently, this would only explain a deficiency of four acres out of 86. In a cursory inspection of the council books, we found no other entries throwing any light on this diminution of the property, and were not able to get any explanation of it.

Accounts.

The accounts of the corporation are produced annually before the bailiff, burgesses and freemen, and signed by such freemen as attend; they are generally made up about a year in arrear. Notice is given by the under bailiff when the accounts are about to be passed, but not a public or general one, and practically only a small number attend, and those generally the same persons; the number is stated never to be less than six, and probably does not often much exceed that number, besides the bailiff and burgesses.

Remarks

8. Twenty or thirty years ago there were more than a dozen cloth factories in Chippenham; there is now only one, and a silk mill, besides a large corn mill. It is a place of considerable thoroughfare, being one of the principal Bath roads; 14 coaches pass through it daily. The ready communication with Bath, which is maintained both by the coaches and three carriers' carts which travel three times a week, is found to be prejudicial to the trade of the town, as the principal families supply themselves with many articles directly from Bath. Trade is said to be rather improving at present. There are four fairs in the year, in May, June, October and December; those in May and October are tolerably large cattle fairs. There is a Saturday market, but it has fallen off very much. One of the principal house proprietors in the town has nearly completed a new market-house, which will be a great improvement; there is a room in it, said to be intended for a National School, which the magistrates are desirous of obtaining for their meetings. A branch of the Berks and Wiltshire Canal comes into the town, but is not carried beyond it; little is brought on it, except coals.

The population of the Corporate and Parliamentary Borough is shown in the following Table:—

	1821.		1831.		1832.
	Houses.	Population.	Houses.	Population.	Registered Voters.
Borough of Chippenham - - Rest of Parish of Chippenham -	600	3,506	*283 *505	*1,620 *2,713	
Parish of Langley Burrell - -	88	428	93	438	
Parish of Hardenhuish - - -	14	70	20	116	
District of Pewisham - - -	69	322	82	383	
Parliamentary Borough - - -	771	4,326	983	5,970	208

* The Population Returns for 1831 make no distinction between the borough and the rest of the parish of Chippenham. In 1821 a separate return was made for the borough, and for the Tythings of Allington and Tytherton Stanley cum Nethermore. That division, however, does not agree with the one given in the Boundary Reports from which these numbers are taken.

We transmit with this Report copies of the following documents:—

1. Charter of Mary;
2. Extract Decree, 1 James I.;
3. Extract Bye-laws, 39 Elizabeth;
4. Warrant for removal of Bailiff and Burgesses, temp. James II.
5. List of Freemen, distinguishing the Burgesses.

Edw^d J. Gambier.
J. E. Drinkwater.

REPORT

ON

THE CORPORATION OF CHRISTCHURCH TWYNEHAM.

(SOUTHAMPTON.)

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CORPORATION OF CHRISTCHURCH TWYNEHAM.

LIMITS. THE old borough of Christchurch is co-extensive with one of the tythings of the parish of Christchurch, which is called the tything of the borough. The boundaries are well ascertained, having been perambulated three or four times during the last thirty years, on each of which occasions the present town clerk assisted. The last perambulation was in 1816. About one-eighth of the town, but not more, is beyond the limits of the borough. The part which is without the borough is situated on the east side of a bridge called Rickman's or Radford's Bridge, and upon the road leading to Lymington. The whole of the north side of that road is out of the borough; on the south side of it five houses and a half are within the borough bounds.

Perambulations.

Additions by the Boundary Act. For the purpose of forming a new borough, the whole of the chapelry of Holdenhurst has been added to the old borough, and also the whole of the parish of Christchurch with the exception of some portions of it, which lie in a north-west direction from the town, and which are mostly waste lands, known by the names of Parley Common, Hurn and Meriton Common and St. Leonard's.

HISTORY. The corporation have no original charters in their possession. They produced to me a copy of a charter of incorporation purporting to be granted by Charles the Second, and the town clerk stated that it was only a copy or draft of an intended charter; but it will hereafter appear that it was a complete charter executed by the King, and for a time at least acted upon by the corporation. This charter and some entries in the corporation bo oks contain all the information that can be procured respecting the early history of the borough.

Old Charters. The first Charter, of which any thing is known, is a grant from Baldwin Earl of Exeter exempting his burgesses of Christchurch from certain tolls and customs. The next is a grant by Baldwin, son and heir of the Lord Baldwin de Redvers, formerly Earl of Devon and Lord of the Isles, who gave to his burgesses of Christchurch Twyneham, their heirs or successors, the tolls of the fair of Saint Faith, and common of pasture in certain meads, together with other exemptions and advantages.

These charters are recited and confirmed in a royal charter dated 5th February, 8 Edw. II.; but neither of them as there recited have any date. The following charters of inspeximus and confirmation of the preceding charters appear also to have been granted; one dated 17th February, 6 Hen. VII., another dated 4th May, 4 Elizabeth.

Some of these charters are noticed in the books of the corporation; for by an entry dated April 1st, 1665, one charter of Baldwin Rivers, one confirmation by King Edward the *Sixth*, another by Queen Elizabeth, and one by King Henry the *Sixth*, being four in a l, were delivered into the mayor's hands to be sent to London and exhibited in the Exchequer. And by another entry of the date of February 24th, 1669, it appears that three charters were delivered to the mayor, which were to be improved for the good of the corporation; and these three were returned by the mayor on the 3d September 1670. It is not known at what time or by what means these charters were subsequently lost.

Charter of Charles II. The charter of Charles the Second, which has been mentioned, and which bears date 25th August in the twenty-second year of his reign, recites the charter of Elizabeth, and confirms all former grants and charters. It then proceeds to incorporate the town, and declares that the burgesses shall be a body corporate by the name of "The Mayor and Burgesses of the Town or Borough of Christchurch Twyneham, in the County of Southampton."

It makes the corporate body to consist of a mayor and twenty-four capital burgesses, who were to be chosen and continue in office for such periods as before had been accustomed.

It empowers the mayor and capital burgesses, or the greater part of them (of whom the mayor to be one) to make bye-laws, and to tax the inhabitants for the reparation of bridges and ways, &c. in the borough, and to impose fines and penalties on offenders against the bye-laws.

The place of mayor dying during the year, or any vacancy among the capital burge ses, was to be filled up by the survivors or the greater part of them, in manner and form as before that time had been usual.

The mayor and his immediate predecessor were to be justices of the peace within the borough:

The mayor and burgesses were empowered to choose a recorder, a town-clerk and a beadle; the former to be a barrister:

With a proviso, that if the King, by writing or warrant under the sign manual, signified his disapprobation of the election of any recorder or town clerk, the mayor and burgesses, or greater part of them (of whom the mayor to be one) were to choose another or others in their place.

CHRISTCHURCH TWYNEHAM.

This charter was adopted by the corporation, and acted under for at least a short period of time; but the imperfect and irregular state of the corporation books do not enable me to say how long it continued to be the governing charter, or at what period its provisions began to be disregarded. On the 3d September 1670, there is an entry which contains a list of fourteen names, and the following statement: "In pursuance of his Majesty's charter under the great seal of England, bearing date the 25th day of August 1670, the persons above-named took the oaths of allegiance and supremacy before Henry Tulse and Henry Bromfield, Esq., and James Dewy, Esq., mayor of the said borough respectively, and were likewise sworn burgesses of the said borough." Underneath are their signatures, the third of which is that of James Dewy, recorder; and on the 5th September 1670, underneath a heading in these words, "According to his Majesty's charter under the great seal of England," are entered the oaths of recorder, town clerk, and beadle or bailiff.

CORPORATE BODY.

Constitution. Style.

The Corporate Body, according to the practice which has prevailed since the charter of Charles the Second was repudiated, consists of a mayor and an unlimited number of burgesses, and is styled "The Mayor and Burgesses of the Borough of Christchurch, in the County of Southampton."

Mayor.

On the 8th September in every year, the Mayor and resident burgesses, or in-burgesses, assemble together, and nominate three burgesses as candidates for the office of mayor. The burgesses so nominated may be either in-burgesses or out-burgesses. On the 14th September the election of mayor takes place; he is chosen out of the three by the commonalty or resident housekeepers of the borough; and indeed it seems doubtful, whether other persons besides housekeepers have not voted, without any objection being made to them on this ground. The mayor elect takes an oath of office at the court leet of the borough, which is held within the month after Michaelmas, before the steward of the lord of the manor.

From 1790 to 1831, none but out-burgesses were chosen into the office of mayor. It was the practice during those years for the mayor to appoint in writing some one of the in-burgesses to act for him. The deputy thus appointed took no oath of office. For the last three elections, in-burgesses have been elected into the office of mayor.

Burgesses.

The Burgesses, or Free Burgesses as they are called, are chosen by the mayor and in-burgesses. The mayor proposes those who are intended to be admitted, and the choice is not confined to the residents or inhabitants of the borough. The burgesses are sworn before the mayor.

Fees on admission.

Each resident burgess pays, on his admission, one guinea to the town clerk, half-a-guinea to each of the two constables, and half-a-guinea to the bailiff; each out-burgess pays five guineas to the town clerk, one guinea to each of the two constables, and one guinea to the bailiff.

Number of Burgesses.

There are now 34 Burgesses in all; namely, 12 in-burgesses and 22 out-burgesses. The following is the list of the burgesses:—

H. R. H. The Duke of Cumberland.
H. R. H. The Duke of Cambridge.
The Earl of Morton.
Sir William Heathcote, Bart.
The Right Hon. William Sturges Bourne.
Admiral Sir Graham Eden Hammond.
Admiral Sir Harry Neale, Bart.
The Right Hon. Sir George Henry Rose.
William Stewart Rose, Esq.
Captain George Pitt Rose.
Charles Philip Rose, Esq.
Major Hugh Henry Rose.
William Rose, Esq.
General John Henry Winyard.
Rev. Thomas Beckley.
Rev. Dr. Thomas Jeanes.
Rev. John Combe Compton.
George Eyre, Esq.
George Edward Eyre, Esq.
Charles Lyall, Esq.
Edward Perry Buckley, Esq.
John Spicer, Esq.
Arthur Quartley, M. D. (Mayor.)
William Dibsdale, Solicitor.
John Goddard, Surgeon.
John Baker, Professor of Music.
John Newman, Gentleman.
James Pike, Barrack-master.
William Hiscock, Architect.
Abraham Daw, Gentleman.
Benjamin Ferry, Gentleman.
Joseph Hannaford, Builder.
Henry Jenkins, Watch-chain Manufacturer.
Ambrose Tucker, Grocer.

The

The Officers of the corporation are the mayor, a town clerk, bailiff, two constables, a hayward and an ale taster. OFFICERS.

The Mayor is returning officer of the borough. He is supposed to have formerly acted as a magistrate, but the evidence of this anterior to the charter of Charles II. is very defective, and though constituted a justice by that charter, it does not appear from the books how long he continued to act in that capacity. Until the year 1831 the deputy mayor kept the accounts of the corporate revenues. The mayor himself received no emoluments. He used to give a dinner after his election, but it is said to have been always paid for by the patron of the borough. With regard to the deputy, the patron reimbursed him for all payments made by him during the year; and he was permitted to retain for his own use the clear corporate income as a remuneration for his trouble in serving the office. These receipts were some years as high as 60 *l.*; in 1826 they were only 47 *l.* Mayor.

The first resident mayor, chosen in 1831, was repaid in the same manner all his disbursements; but he is said to have given the balance for the benefit of the National School. The mayor elected in 1832 did not receive from the patron the same advantages as his predecessor, and as those deputy mayors who have been mentioned; and he himself avers that he shall be at least 20 *l.* out of pocket. The dinner given by the mayor upon his election has been discontinued since in-burgesses were elected. The mayor of 1831 entertained at his own house, and it seems that the two succeeding mayors have not entertained at all.

The Town Clerk is chosen by the mayor and in-burgesses for life, and is sworn before the mayor. The minutes of corporate meetings are made by him; and as steward of the lord, which appears to be a distinct office, he used to hold a court called a Three Week Court. Town Clerk.

The town clerk receives no salary; the business done by him, except for drawing leases, used to be charged to the patron of the borough, and nothing was paid by the corporation. It does not seem to be clear upon what footing he is now to be remunerated, no charge having yet been made since the patron's bounty has been withdrawn; for the leases drawn by him he is paid partly by the tenants and partly by the mayor out of the corporate fund.

The Bailiff, who is also town serjeant and beadle, is elected by the commonalty on the 14th September out of two persons nominated by the mayor and in-burgesses on the 8th September. The bailiff attends upon the mayor and corporation, and summons their meetings: he collects the tolls at the markets and at one fair which belongs to the corporation. He has an allowance of four guineas a year paid him by the mayor, and a cloak and hat occasionally. Bailiff.

Four persons are put in nomination by the mayor and in-burgesses on the 8th September, and out of these two are elected constables by the commonalty on the 14th September. The constables attend the mayor at elections, and on all occasions when summoned by him. They used always to receive a guinea each from the mayor to bear their expenses of attending assizes or sessions, and this was one of the items in the mayor's account for which he was reimbursed by the patron. On the last occasion of the kind, however, they were not paid, and it appears to be doubtful whether the allowance will ever be renewed. Constables.

A Hayward is elected annually on the 14th September by the commonalty out of two persons nominated by the mayor and in-burgesses; and an Ale Taster is also chosen every year at the same time and in a similar way. Hayward. Ale Taster.

It was the practice, until the last election of officers, to announce the parties nominated on the day of election and not before. On the last occasion they were announced on the day of nomination.

All the courts held within the borough belong to the lord of the manor. A court called a Three Week Court was held by the present town clerk, who was elected in 1801, for about a year and a half after he was chosen into the office. He held the court as steward of the lord. After the period that has been mentioned, the holding of the court was discontinued. Little is known of this court beyond its name and the character of the officer who presided in it. While the present town clerk continued to open it, nothing was done except calling over the mayor, constables and bailiff, and no jury was summoned. And he states that he is not aware of the existence of any books or records or other documents which relate to this court. COURTS. Three Week Court.

A Court Leet is held for the manor of the borough by the steward, within a month after Easter, and another within a month after Michaelmas in every year. The jury are taken from the inhabitants of the borough. Court Leet.

The most considerable part of the Revenues of the corporation is derived from the aftermath of certain meadows, called Bure and Bernard's Meadows, which is let for 14 years from August 1833, at the rent of 30 *l.* a year. They possess also several houses, cottages, and small parcels of land, together with the tolls of markets and one fair; and the rents and profits of these, added to the rent of the aftermath of the meads, produce a rental of between 60 *l.* and 70 *l.* a year. The account of the Rental stated to me amounts to 64 *l.* 17 *s.* The gross receipts exceed this amount by the sum of 5 *l.* which is paid for the occupation of a building used as a national school, and it is understood that this sum is annually paid, not as rent, but to enable the corporation to keep the building in repair. REVENUE. Lands. Houses. Markets, &c. Rental.

CHRISTCHURCH TWYNEHAM.

No regular accounts appear to have been kept until the year 1830. In the mayoralty of 1830, 1831, the gross receipts amounted to 69*l.* 16*s.* From this sum, deductions were made for commission to the receiver and other purposes, amounting to 7*l.* 0*s.* 8*d.* leaving a net balance of 62*l.* 15*s.* 4*d.* which was paid over to the mayor.

In 1831, 1832, the gross receipts were 69*l.* 14*s.* 6*d.* Deductions, amounting to 10*l.* 3*s.* 3*d.* were made for commission and gratuity to the receiver, and other purposes; and the net sum of 59*l.* 1*s.* 3*d.* was paid to the mayor.

Lost Property.

Other Property, besides what is comprised in the above-mentioned amount of rental, was formerly in the possession of the corporation, and has been lost by the neglect of those who ought to have claimed the quit rents. From the length of time which has elapsed, it appears to be now irrecoverable.

State of the Town.

The Town of Christchurch is not a place of much consideration or importance, nor do there appear to be any causes in operation which are likely to produce any great increase of prosperity or population.

Magistracy.

Whether the limits of the old borough, or of the new Parliamentary borough, would afford a competent number of persons to form a body of resident Corporate Magistrates, cannot be with certainty determined. But the want of such a magistracy seems to be much felt; for although there are several county justices in the neighbourhood, and two within the distance of two or three miles who are most active and efficient magistrates, yet their presence in the country is not always to be calculated upon, and they are in fact a great deal away. The want of magistrates has sometimes obliged a constable to keep a prisoner in his hands for two days, and prisoners have for the same reason occasionally escaped.

Population.

The Population in 1831 was as follows:

Old Borough	1,599
Remainder of the Parish	3,745
Total Parish of Christchurch	5,344
Chapelry of Holdenhurst	733
Total new Borough	6,077

Edw^d J. Gambier.

Papers accompanying this Report:

Return of Names of Officers.
Lists of Voters, as revised in 1832, 1833.

REPORT

ON THE

CORPORATION OF CORFE CASTLE.

(DORSETSHIRE.)

I HAVE not succeeded in obtaining any information with respect to the Corporation of Corfe Castle, that body having refused to submit to the authority of His Majesty's Commission, and there being, from the nature and constitution of this corporation as well as from the situation in life of the inhabitants of the place, no other means of gaining any correct or authentic account of the constitution of the body corporate, of its forms of proceeding, or of the extent and application of its revenues.

On the 8th January I addressed the usual circular to the Mayor of Corfe Castle, informing him that it was my intention to be at Corfe Castle on the 16th January for the purpose of commencing the inquiry under the Commission; and I saw the mayor in the neighbourhood of Wareham on the 15th, when he informed me that every facility would be afforded to me for the examination on the following day. I therefore proceeded to the borough of Corfe Castle on the morning of the 16th, and immediately on my arrival was visited by the mayor, Mr. Robert Taylor, and the justice, the Rev. George Pickard, who stated to me that the corporation declined to submit to the inquiry on the ground of the illegality of the Commission under which I was acting. I requested that the refusal and the reasons for it might be stated in writing. In compliance with my request, a written statement was shortly afterwards furnished to me; of which the following is a copy:

Sir, Corfe Castle, 16 January 1834.

I HAVE the honour to acknowledge the receipt of your circular under the Municipal Corporation Commission of the 8th January instant, requiring answers to certain questions relating to the borough of Corfe Castle, and in answer I have to state, that not considering the above Commission legal, I decline giving any information, or submitting to any examination upon the subjects.

With respect, I have the honour to remain, Sir,
Your most obedient humble Servant,

To Edw[d] J. Gambier, Esq. *Rob[t] Taylor*, Mayor.
&c. &c. &c.

Upon the above communication being made to me, and having understood that no member of the corporation except the mayor resided at Corfe Castle, and that there was not any inhabitant of the place from whom it was probable that information could be obtained, I deemed it expedient to abandon the investigation; and the only subsequent step which I thought it advisable to take was to obtain from the mayor a more explicit declaration than that which his written communication had conveyed. I therefore addressed to him the following letter:

Sir, Swanage, 16 January 1834.

BY the letter which you addressed to me to-day, in answer to the circular sent to you on the part of the Corporation Commission, I observe that the resolution signified in it, to give no information to His Majesty's Commissioners, is worded in such a manner as to convey the impression that it is your own single official resolution, and that it is not stated expressly to be the resolution of the corporate body of which you are the head. From the conversation which took place at Corfe Castle this morning,

CORFE CASTLE.

morning, and from what was then said by the Rev. George Pickard, justice of the borough, as well as by yourself, I felt no doubt that the communication to be made to me was intended to proceed from the corporation, and not from yourselves as two individual officers belonging to it. I request, therefore, that you will do me the honour to inform me whether I am correct in understanding the declaration contained in your letter as expressing the determination of the corporate body, or whether I am to receive it as a declaration made by yourself only, or as one made on behalf of yourself and Mr. Pickard.

I shall feel obliged by an early and explicit answer on this subject, and I have the honour to be,

Sir,

Your obedient Servant,

To the Worshipful the Mayor of Corfe Castle, &c. &c. &c. *Edwd J. Gambier.*

The answer which I received from the Mayor was as follows:

Sir, Corfe Castle, 17 January 1834.

In answer to your letter of yesterday's date, I beg to inform you that, as your circular letter being directed to the Mayor only, was the only reason which prevented Mr. Pickard, as Justice of the Peace for the borough of Corfe Castle, from signing the letter conjointly with myself, of which I had the honour of addressing you officially as Mayor, and that the declaration therein made to His Majesty's Commissioners, I wish it to be understood as coming from the corporate body of Corfe Castle, and not from myself individually.

I have the honour to be, Sir,

Your very obedient humble Servant,

To Edwd J. Gambier, Esq., Swanage. *Robt Taylor.*

The town of Corfe Castle is of mean appearance, and presents no indication of present prosperity or of progressive improvement. The census of 1831 shows that although there were at that time no uninhabited houses in the borough, there were also none that were in a course of building; that the number of inhabited houses was 156, the number of families occupying them 193, and the total population 960.

Edwd J. Gambier.

REPORT

ON

THE BOROUGH OF DEVIZES.

(WILTSHIRE.)

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BOROUGH OF DEVIZES.

1. THE Borough of Devizes is now taken to be co-extensive with the parishes of St. John the Baptist and the Blessed Virgin Mary. The southern part of the parish of St. John is an agricultural district, being the disparked park and site of the old castle of Devizes; there is reason to believe that the park was not formerly considered to be within the borough, the nature of its connexion with the castle, as in similarly circumstanced districts, rendering the exemptions and privileges granted to the borough inapplicable to it. LIMITS. Park and Castle.

In an old rate book of Saint John's parish, dated 23d April, 12 James I. is the entry of a rate on the inhabitants, "as well in that part of the said parish which is without the liberties, limits and precincts of the aforesaid borough, as that part of the said parish which is within the said borough and the liberties, limits and precincts thereof;" and this rate is allowed separately by two justices of the borough for the one part, and two of the county for the other. The part here spoken of as out of the borough must necessarily mean the park, that being the only portion of the parish about which any dispute could arise. Lately, the inhabitants of the park claimed it to be extra-parochial, but the rector of Saint John has established his right to the tithes there as part of his parish. The boundary line between the park and the rest of the parish is well known. During the memory of all now living, and as far back as the records go (unless so far as the foregoing entry in the parish books is an exception) the park has been treated as part of the borough for all purposes. There is no doubt or difficulty with respect to the limits in any other quarter.

The Town of Devizes extends into the chapelry of St. James, which surrounds it on the East, North and West, and into the parish of Rowde, which adjoins the chapelry of St. James on the western side; portions of this parish and chapelry have been added to the borough by the Boundary Act for the purpose of parliamentary representation. Additions made by the Boundary Act.

2. The earliest grant to the borough of Devizes is a charter of Matilda (without date), granting to her burgesses, "*De Divisis*," freedom of toll throughout England and the parts of the sea. HISTORY. Charter of Matilda.

This grant was confirmed successively by John and Henry III.; Edward III. besides confirming the foregoing Charters, granted a guild merchant, and that no burgess should have his goods distrained (*quod nullus eorum namiatus sit*), for a debt of which he was not bail or principal debtor, and all such liberties as were enrolled in the charter of Marlborough, with a general reservation of the liberties of the City of London. Subsequent Charters. Guild Merchant. Liberties of Marlborough.

Richard II. granted to the Mayor and Bailiffs the return of writs in all matters touching the burgesses of the town. All defensible men, between the ages of 16 and 60, were held by this charter to the defence, if need be, of the castle of Devizes. It contained also the grant, that they should thenceforth have a coroner one of themselves. Mayor and Bailiffs. Coroner.

These liberties were again confirmed by Henry IV., Henry V., Henry VI., Edward IV., Henry VIII., Edward VI., and Elizabeth, but without any material additions. The coroner continued to be elected in pursuance of the charter of Richard II. until the grant of a charter by James I. but no one appears to have been chosen into that office since that time.

During the reign of Elizabeth and up to the time of obtaining the last-mentioned charter, the corporation appears to have consisted of three bodies, called The Mayors, The Twelve, and the Inferior Burgesses. Old Constitution.

The body called The Twelve did not uniformly consist of that number only.

In 1581 there are entered in the council book ten mayors, at the head of whom is one, more particularly called The Mayor, of whose name the proceedings are entitled; Fourteen of the Twelve; and Twenty-eight Inferior Burgesses. At the time of obtaining James's charter, the entry is of the Mayor by himself, eleven Magni, including one designated as Mayor Elect, 21 of the Twelve, or common council, and 32 Inferior Burgesses. A memorandum written in 1628 by John Kent, the first town clerk under James's charter, states, that at the accession of King James there was a mayor with nine chief burgesses and councillors (including the mayor elect), 23 burgesses called The Twelve, or common council, and 30 inferior and free burgesses.

The Governing Charters of the borough were granted in the years 3d James I. and 15th Charles I. The latter confirms the former, where not specifically altered; the slight variations between the two will be noticed in their place. Governing Charters.

On the 10th of November 1684, a surrender of the charters of the borough to the Crown was executed, and in the following March a new charter, 1 James II., was accepted. The corporation continued for more than three years to act under this charter of James II., and on the 12th of October 1688, there is an entry in their books of officers appointed according to its

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provisions. On the 20th of the same October they availed themselves of the royal proclamation for restoring charters, and again resorted to the charters of James I. and Charles I., and it is by these latter charters that the corporation has since been regulated down to the present time.

CORPORATE BODY. Title.

3. By these charters it appears that Devizes was a borough by prescription, and that the title of the corporation is, The Mayor and Burgesses of the Borough of Devizes.

Constitution.

The body corporate consists of a mayor, a recorder, 36 capital burgesses (including the mayor and recorder), and an indefinite number of free burgesses. Twelve of the capital burgesses (including the mayor and recorder), are distinguished by the name of Capital Burgesses Councillors; the remaining twenty-four are called Capital Burgesses of the Common Council. The mayor, recorder and capital burgesses, when assembled together, are called the Common Council.

Election of Mayor.

The Mayor is elected annually on Friday after Pentecost, by a majority of the common council, out of the capital burgesses councillors. It has been decided, (R. *v.* Sutton, 10 Mod. 74.) that the presence of the recorder is not necessary to make an elective assembly; and also (R. *v.* Headley & others, 7 B. & C. 496.) that the capital burgesses councillors and capital burgesses of the common council, are not now so far distinct bodies as to make it necessary that a majority of each should be present at the election of the mayor, provided there be a majority of the whole. An order of rotation is usually, but not invariably, observed in the election of councillors to the mayoralty. In every election two candidates are nominated in the first instance, and the final election is made from these two; this is in pursuance of a bye-law passed in 1615. The nomination of the candidates is generally by the mayor; in cases of opposition to the mayor's nomination, in which case more than two candidates would be proposed in the first instance, the number is always reduced to two by a preliminary vote before the final election is made.

The mayor is sworn and enters on his office on Michaelmas-day following his election; during his mayoralty he is still considered to be a councillor.

Fine for non-acceptance.

The mayor is always resident within the borough; in one instance, many years ago, he lived on Devizes Green, just beyond the limits of the borough. By a bye-law of 12th Sept. 1741, a fine of 30*l.* was to be imposed on any one refusing to accept the office of mayor; this fine has been in one or two instances enforced, but more frequently reduced and mitigated. It was in 1823 increased to 50*l.* since which time no fine has been incurred.

Election of Recorder.

The Recorder has borne this title only since the charter of Charles. The same duties with a slight variation in their extent, attached by the charter of James I. to an officer called the town clerk, for whom the charter of Charles substituted the recorder. He is elected for life, or during pleasure, by the common council; he must be an utter barrister, and in practice is always elected into the corporation and chosen a councillor immediately before his election as recorder. He has by implication from the charter the power of appointing a deputy, which power is usually exercised by deed under his hand and seal. No other member of the corporation is a party to this appointment; the deputy recorder has always been one of the common council. None has been named since the death, in 1826, of the gentleman who had then held the deputation during about 20 years. He was a capital burgess of the common council, and his father who held the deputation before him was at the same time a councillor. Residence is not considered a necessary qualification in the recorder. The office was held by Lord Sidmouth during 44 years, and whilst he was Speaker of the House of Commons. The present recorder resides about four miles distant from the borough; he was elected in the current year on the resignation of Mr. Estcourt, who, as well as Lord Sidmouth, was member for the borough during part of the time he was recorder. Mr. Estcourt resigned, on permanently leaving his residence in the neighbourhood of Devizes. In 1707, the recorder was removed from his office; the ground of removal does not appear on the record of it; he was restored again in the following year.

Election of Capital Burgesses Councillors.

The 12 Capital Burgesses Councillors are elected by a majority of the common council, out of the burgesses of the common council, as vacancies occur. The custom has been to appoint the senior common councilman willing to take the office; but whenever any difficulty occurs in filling up the number, a regular rotation is resorted to. About the year 1810, the greatest difficulty was felt in inducing the common councilmen to accept the office of councillor; the established fine for non-acceptance, which at that time was 30*l.* has been almost invariably enforced; seven fines were paid in the year 1810. The objection to take the rank of councillor, which leads immediately to the burthensome office of mayor, still prevails in the borough, but not to the same extent as at the period which has been alluded to.

Fines for non-acceptance.

There is no rule as to the residence of councillors. If inconvenience is felt for want of a sufficient number of residents, it is generally remedied without having recourse to compulsory measures. In 1814 a motion was made in the common council for the removal of a capital burgess councillor who had ceased to reside, and he thereupon offered to resign his office of councillor, with a reservation of his rights as a common councilman. The resignation in this qualified form was at that time accepted; but an objection has since occurred to this form of resignation (on the ground of its having a tendency to increase a limited body in the corporation beyond its constitutional numbers) and none such has been since resorted to. In modern times, no cases have occurred of actual removal for non-inhabitancy. The number of councillors is now full. There is only one who has been for any length of time non-resident. Another of the number has lately removed from the town. The others are all living on the spot.

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The Capital Burgesses of the Common Council are elected by a majority of the common council from the free burgesses. There is no instance of any person being fined for non-acceptance of this rank in the corporation. In fact, the party chosen, in almost all cases, is elected of the common council on the same day in which he is chosen a free burgess of the corporation. The number of twenty-four common councilmen is now full. Six of the body are now non-residents: they were nearly all resident at the time of their election. Three others live within the new boundary of the borough, but out of its ancient limits. There is no rule enforcing residence or inhabitancy on the part of this class of burgesses. Election of Capital Burgesses of the Common Council.

The Free Burgesses are also elected by the common council: there is no recognized mode of becoming free but by election. It has been already stated that their number is indefinite. Since 1688, when they amounted to 34, it has been the practice to discontinue electing them, except for the purpose of supplying vacancies in the common council and of making a few honorary burgesses. In the year 1740 there were only four, and for several years before that time the existing number appears to have been made up for the greater part of persons who were either Members for the Borough, or some of its inferior officers. Election of Free Burgesses.

The gradual diminution of the number of free burgesses since 1688 is shown in the following Table:—

YEAR	Number of Free Burgesses.	YEAR	Number of Free Burgesses.
1688	34	1768	2
1698	28	1778	2
1708	20	1788	2
1718	16	1798	2
1728	10	1808	2
1738	6	1818	2
1748	1	1828	4
1758	1		

The following is the number of free burgesses elected since 1800, consisting chiefly of those who have been immediately chosen into the common council:—

YEAR	Number of Free Burgesses.	YEAR	Number of Free Burgesses.
1801	6	1827	3
1805	3	1828	4
1808	6	1829	2
1809	2	1830	1
1816	4	1833	6
1825	11		

The nomination of free burgesses generally rests with the mayor. No instance is mentioned of a poll having taken place on any election of them. Six clear days' notice of the election is always given. There are only four free burgesses at the present time, and none of them are inhabitants of the borough. One of the number lives within the Parliamentary Boundary. A bye-law was made in 1740, ordaining that no one should be elected into the corporation or common council who had not resided within the borough for one year previous to such election. Whenever a recorder was chosen, and also in some individual instances of councillors, it became the practice to suspend that bye-law, so far as concerned the number of vacancies then to be filled up. In two such instances, it was suspended specially in favour of the party then chosen. Doubts being said to be entertained as to the legality of this bye-law, on the ground that there was no power to restrict the general power of election given by the charter, it was abolished in the year 1828. To us the scruple appears overstrained. In 1808 a proposal for a bye-law was brought forward, that any one elected into the corporation who, after election, should cease to reside within ten miles of the borough, should be disfranchised; but it was opposed, and was not persisted in.

The Fees paid on being elected a free burgess amount to 3*l.* 6*s.* and are divided among the town clerk and inferior officers. No fees are paid on election to any other corporate office. Fees on admission.

The Mayor, as head of the corporation, presides at all meetings of council, and none can be held without him. Functions of the different members of the Corporation.

The Recorder has a voice in every election, but his attendance is not required at meetings of the council, unless at those in which a bye-law is to be made or rescinded.

The Capital Burgesses Councillors, besides their ordinary duties as members of the common council, form the body from which are chosen the judges in the court of record, which will be hereafter described.

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No duty belongs to the burgesses of the common council, except that of attending the council, and bearing a part in the elections and other proceedings which there take place.

Bye-laws.

The common council have the power of making bye-laws and imposing fines and penalties. The meetings for this purpose must consist of the mayor, recorder and a majority of each part of the common council.

The judges who decided in the case of R. *v.* Headley, that the mayor might be chosen by an elective assembly, consisting of a majority of the whole common council, without reference to the number of councillors or common councilmen present, adverted to a distinction in the words of the charter, by which the power of making bye-laws is given to the common council. That power is given to the mayor, capital burgesses councillors, and common council, or a majority of them, and it seems to have been held, that the mention of each body makes it necessary that a competent assembly for this purpose should consist of a majority of each. This, coupled with the principal decision, involves the apparent anomaly that the fine for non-acceptance of office is imposed by a different body from that which elected to it. Considerable stress was laid, in the judgments pronounced in that case, on the absence from the affidavits of all allegation as to the custom in the borough, previous to the charter, by which custom it seems the grant might have been explained. The extracts already given from the corporation books seem to show that there existed two distinct bodies previous to the charter, called the *Magni* or *Majores* and The Twelve, which obviously have been replaced by the councillors and common councilmen. The latter body continued for some time to be known by the name of The Twelve, even after the charter of James I. had fixed their number at twenty-four. One of the bye-laws passed in 12th James I., only nine years after the grant of this charter, provided that "The mayor, town clerk, chief burgesses councillors, and the company of Twelve, or the more part of them, may elect any burgess of the borough to be one of the company of the Twelve or common council, and any inhabitant of the borough into the company and fellowship of the burgesses." As the power of electing free burgesses is given by the charter of James I. to the mayor, town clerk and capital burgesses in the same general terms as the power of electing the mayor, perhaps this bye-law, and extracts similar to those already given from the corporate books, might have been received, had they been produced in the case of R. *v.* Headley, as evidence of the sense in which the charter was taken soon after the grant of it, and of the existence then and before that time of each body distinct from the other.

Fines.

Besides the fines for non-acceptance of office, all capital burgesses who neglect to attend the council, are liable by a bye-law, passed in 1809, to a fine of 5*s.* on the four quarterly charter days, and to a fine of 2*s.* 6*d.* on any other occasion, unless prevented by unavoidable absence. There are no other fines fixed by any bye-law; but an instance appears in the council book of a fine imposed on an inferior officer of the corporation for non-acceptance of an office. It was, however, stated to us that this fine was not enforced.

The free burgesses have no corporate power, nor any voice in choosing the members or officers of the corporation. They have not even the power of continuing their own number, which is perpetuated at the will of the common council. They vote with the rest of the corporation in the election of Members of Parliament; their right to do so was formerly questioned in consequence of the wording of a resolution of the House of Commons in 1689, by which the right was declared to be in the mayor and a select number of burgesses only; but the right then set up was of a popular nature, and no question was made as to the elective franchise of the free burgesses. The suppression of their number by the common council was almost contemporaneous with that decision. They have always been admitted to vote.

Officers.

4. The judicial and ministerial officers of the corporation, in addition to the mayor and the recorder or his deputy, are:—A Justice, Steward and Clerk of the Courts, two Chamberlains, four Wardens of the Almshouses, two Constables, two Serjeants at Mace, two Bailiffs, four Sub-Bailiffs, of whom one is appointed Beadle and Clerk of the Market. It is also still usual to appoint one or two Searchers of Leather, and two Searchers of Fish and Flesh, but no duties are now attached to either of these offices.

There are four charter days in the course of the year, on some one of which all the yearly officers are elected. The first of these days is the Friday after Pentecost, on which day the mayor is elected. The second is the Friday before Michaelmas, when the constables, the bailiffs and sub-bailiffs are elected. The third is Michaelmas-day, when the mayor and all others previously elected are sworn in. The fourth charter day is the Friday after Michaelmas, on which day are elected the chamberlains, wardens, serjeants at mace, and some other inferior officers.

Mayor.

The judicial and ministerial duties of the Mayor are as follows:—He is the returning officer of the borough; he is, *ex officio*, one of the justices of the borough, whose functions will hereafter be described, and the greater part of the magisterial business devolves upon him. It is his duty, in his capacity of magistrate, to preside at the quarter sessions, assisted by the recorder or other justice. He is also judge of the court of record, together with the recorder or deputy, and some of the councillors.

The mayor receives a salary, which has varied from time to time between the two limits of 30*l.* and 100*l.* a year, from which last-mentioned sum it has been lately reduced to 80*l.* a year. He has no other emoluments. The outgoings for which this salary is to provide are, entertainments given on the day of his being sworn into office, and some minor gratuities, principally in the form of entertainments, bestowed upon some of the inferior officers of the corporation.

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The Recorder is, by virtue of his office, one of the justices of the peace for the borough, and the present recorder, who resides at a short distance from the town, has taken an active part since his election (which was during the current year) in the ordinary magisterial business of the borough, besides officiating at the quarter sessions. The recorder is also a judge of the court of record, where he may sit either in person or by deputy. He has a salary assigned to him of 10*l.* a year, but it has not been received for many years. All the functions of the recorder, except his duties as justice of the peace, may be performed by deputy in his absence. There is now no deputy recorder. Recorder.

There are three Justices of Peace for the borough, two *ex officio*, the mayor and recorder, and the third a councillor, who is generally spoken of as "The Justice," elected for life by the common council. No regard to seniority among the councillors is observed in the election of the justice. The councillor who is Justice, is never elected mayor. The justices receive no salary or emoluments of any kind in that capacity. No power of swearing the justices is given in the charter, and a writ of *dedimus potestatem* is annually sued out for that purpose. Some inconvenience is stated to have been felt in the borough for a series of years when Lord Sidmouth was recorder, and Mr. Estcourt, who had also Parliamentary duties which called him from the spot, was at the same time the justice for the borough; also from the year 1826 to 1828, when Mr. Estcourt was recorder, and his son was the justice, both at the time being Members of Parliament. The latter is no longer in Parliament; a circumstance which, coupled with the residence of the present recorder in the neighbourhood of the town, must tend in a great degree to remedy the evil formerly complained of. Justices.

The elective justice has the ordinary duties of a magistrate to perform, in common with the mayor and recorder. He sits with them, or one of them, at the quarter sessions; but is not as justice constituted a judge of the court of record. It is now the practice for the justices to hold a petty sessions for the borough once a fortnight. They take the examination and make commitments of all offenders within the borough. There is nothing in the charter to oust the jurisdiction of the county magistrates, but in practice they do not act within the borough, except under particular statutes, as in licensing public-houses, and in some other cases.

The Steward and Clerk of the Courts is not named in the charters, but provision is made in the bye-laws of 1612, for his election within twenty days of every vacancy. His situation in the borough is that of the officer who is usually termed the town clerk. He is elected by the common council during good behaviour. As far back as the records go, he has been one of the common council; nevertheless this is not considered a necessary qualification. His duties are to attend the meetings, and register the proceedings of the common councils. At the quarter sessions he acts as clerk of the peace; he is the register of the court of record; he also attends the magistrates in petty sessions. He has an annual salary of 2*l.* 13*s.* 4*d.* besides his fees in the courts of record and quarter sessions, and for the admission of free burgesses. The average amount of these is stated not to exceed 15*l.* a year. He also acts as solicitor to the corporation, and charges them for business done in that capacity. The present steward was preceded in his office by his father and grandfather. The last-named gentleman was chosen mayor in 1765, and continued to hold the office of steward of the courts during his mayoralty. The steward at that time declared his opinion, that the two offices were incompatible, and tendered his resignation; on which the recorder was ordered to be consulted, whether the resignation should be accepted. The result was, that the two offices were held together. No instance of such an irregular election has since occurred. Steward and Clerk of the Courts.

The Chamberlains are elected annually by the common council; any member of it except the mayor is eligible to this office. The practice has been, to elect one councillor and one common councilman; and according to a recent regulation, one of the two chamberlains is to continue in office for at least two years. They are the treasurers of the corporation, receive all the rents and other revenues, and make all disbursements. Their responsibility is of course joint, but by arrangement among themselves, one only of the two is usually the collector and accountant. They are entitled to a salary of 2*l.* a year each: it is not always received. Chamberlains.

The Wardens of the alms-houses are the treasurers of the charitable property of which the corporation are trustees. They are appointed by the common council, two for the old alms-houses and two for the new; they receive no salary or emolument from the corporate funds; they are chosen from the common council; the practice has been to appoint one of each pair from each parish of the borough. There have been instances in which a chamberlain has been a warden, but this is not usual. Wardens.

The two Constables, the two Serjeants at Mace, the four Sub-bailiffs, and the other inferior Officers, are also chosen every year by the common council. It is not necessary that the persons chosen into any of these offices should be members of the corporation. The constables are taken from the respectable inhabitants of the town. They attend the borough quarter sessions, and accompany the mayor on state occasions. They are looked to as the head of the police, but only act when a riot is apprehended, or upon some other extraordinary occasion. They receive no pay. Constables and inferior Officers.

The Serjeants at Mace attend upon councils and meetings of the corporation; they have the execution of the process in the court of record; they also act as ordinary constables. Their emoluments are a salary of six guineas a year each; cloaks and hats annually, and small fees for summonses. Serjeants at Mace.

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Bailiffs. The two Bailiffs have the same duties as the serjeants at mace, except that they carry no maces.

Sub-bailiffs, &c. Their Sub-bailiffs take a part in the same duties, except that they have no execution of the process of the court of record. The salaries of the bailiffs and sub-bailiffs are six guineas a year each, but without clothing. One of the sub-bailiffs as beadle, has an additional salary of 10 *l.* a year and clothing; and one of them also being appointed hall-keeper, is paid an additional sum of 5 *l.* a year, and the expenses incurred at the town-hall.

Courts. 5. The Courts held within the jurisdiction of the Borough of Devizes, are the Court of Record and the Court of Quarter Sessions.

Court of Record. The Court of Record was established by the charter of James I., and modified by that of Charles I., and it appears to have extended to all causes of action arising within the borough, not only concerning matters of debt and contract, but also in trover, detenue, ejectment, and in causes personal or mixed; provided that the debt or damage should not exceed 40 *l.* The court was to be held every Friday, and to be adjourned from week to week, or for a longer time, before the mayor, recorder or his deputy, and capital burgesses being councillors, or before four of them at least, of whom the mayor and recorder or his deputy were to be two. It was also provided in the charter of Charles I., that no trial or verdict should be had or taken, nor any judgment given, unless in presence of the recorder or his deputy.

The proceedings and the form of pleading in this court are the same as in the superior courts, with this exception, that in ejectment it has been thought that the court had no power to compel the defendant to admit lease, entry, and ouster; and in order that this form of action may be maintained, it is necessary that a lease should be actually executed on the premises. It was stated to us, that notwithstanding this inconvenience, this had been occasionally contrived, and ejectment brought thereupon.

Jury. The Jury is summoned by the bailiffs, who have no lists, and make out no pannel, but take the householders of the town in general, guided only by their own discretion; but receiving notice from the town clerk on any occasion when a jury of superior intelligence is required.

Fees and Costs. The Fees allowed to the officers in this court are stated to us to be less than one-third of those in the superior courts; and the taxed costs appear to be far too low to remunerate solicitors for practising in it. The business of the court began to decline very much about the year 1776; before that time there were usually ten or twelve causes subsisting at once. The decrease of business has been such, that in the year 1813, there were only two causes tried, and in one of them, the defendant was, in 1814, discharged under the Insolvent Act. From 1813 to 1833, no causes were tried, and the court is now hardly ever resorted to except for the purpose of quickly arresting a party. There are no rules of court extant, and the practice being so little known, the attornies are afraid of irregularities in it. In the present year 1833, a single action came to trial, and as the court from being much disused has lately held its sittings only once in six weeks, and as each stage of the proceedings can only be entered, or filed on a court day, a considerable time necessarily elapsed (in this instance almost six months) between the first issuing of the writ and the final judgment and execution. The delay in this case was greater than it would have otherwise been, in consequence of the resignation of the late recorder just about the time that the cause was coming on for trial.

Quarter Sessions. The Court of Quarter Sessions is held before the three justices, or any two of them, and by the charter of Charles has jurisdiction to try misdemeanors or petty larceny. Since the statute was passed assimilating grand and petty larceny, the borough justices in quarter sessions have continued to try such felonies as amounted to petty larceny before that Act was passed.

Grand Jury. The Grand Jury for the Sessions are nominated by the bailiff, who makes out a list of the more respectable inhabitants, and presents it to the clerk of the court, who revises and settles it. The clerk keeps a register of the jurors, in order to prevent persons being too frequently summoned. The councillors are never called upon to serve on the grand jury; they claim an exemption, which is allowed; and the burgesses of the common council having claimed a similar exemption a few years ago, they also have not been summoned since that time. Formerly a common councilman was always chosen foreman of the grand jury, but they now elect their own foreman.

Petty Juries. For the Petty Juries of the Quarter Sessions, twenty-four persons are nominated by the bailiff; twelve from what is called the Old Port, which is the parish of Saint Mary, and twelve from the New Port, which comprehends the parish of Saint John. Upon criminal trials, a jury is sworn consisting of six jurors from each port. Formerly the petty juries were always summoned to the sessions, whether there were trials to take place or not, as they then acted also as leet juries; and the twelve summoned from each port were sworn as a jury to make presentments each for its own port; but these presentments having been discontinued within the last 15 or 20 years, the petty juries are no longer summoned, unless there is a prisoner for trial. The average number of prisoners tried at each sessions does not exceed three.

The jurisdiction of the quarter sessions is in practice exclusive, and no cases which are triable there are ever taken to the county sessions, notwithstanding that the county sessions are held once a year at Devizes; the erroneous idea prevailing that the county sessions have no jurisdiction over such offenders.

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6. There is now no trace of the existence of any Borough Gaol. The want of it is felt chiefly whenever persons are arrested or taken in execution under process issuing out of the court of record, and may be looked on as a principal cause of the delay of business in that court. In those cases, when they occur, the parties are committed to the custody of one of the serjeants at mace, who has in general no place of security at his command, and who is not a person of sufficient substance to be responsible for an escape. Persons therefore who are thus in execution, or under arrest, appear to have been frequently at large. This was the case with the defendant in the cause already referred to as having been tried in the course of the present year, until upon remonstrances being made, he was put into confinement. The means of doing this were only effected by the accident of the serjeant at mace being also keeper of the county gaol which is in the town. No one has had sufficient interest in the question to apply for a mandamus to the corporation to provide a gaol, which would seem to be the only remedy for the mischief. Prisoners sentenced to hard labour at the borough sessions are sent to the County Bridewell, and are there maintained at the expense of the county, a charge which falls upon the county in consequence of the inhabitants of the borough contributing to the county rates. Prisoners committed for trial at the borough sessions are sent to the County Gaol within the town, and the expense of providing for the prisoner in this case falls also upon the county as well as the expenses of the prosecutions at the borough sessions.

Gaol.

Police.

Lighting.

7. There is a local Act, the 6 Geo. IV. c. 102. for paving, lighting and watching the town of Devizes. The Commissioners are the Mayor and Burgesses, and certain individuals named in the Act. Vacancies in their body are filled up by themselves. The qualification required in every Commissioner, except the mayor and burgesses, consists in the receipt of rents arising from lands, &c. within the borough, either freehold or on a lease of which 30 years are unexpired, of the yearly value of 20 *l.*, or in the occupation for six months of lands, &c. within the borough of the value of 20 *l.* a year, such value to be determined by the poor rate. The power of rating is 4 *s.* in the pound, and the rate levied is to the full amount allowed by the Act.

Supply of Water.

Under this Act a Night Constable, who is the superintendent, and three other Watchmen are appointed by the Commissioners, and they are all sworn in as petty constables by direction of the Act. An Abstract of the Accounts is every year published in the Devizes newspaper.

Watching.

There is no power given by the Act to bring water into the town, a supply of which is stated to be much wanted. The deficiency was intended to be provided for by a clause inserted in the Kennett and Avon Canal Act, 34 Geo. III. c. 90. By the 13th section the Canal Company were required, within one year after the canal became navigable, at or near Devizes, at their own cost to erect a reservoir sufficient to hold one quarter of a lock at least, and of sufficient height that the water might run thereout through pipes into the streets and lanes of the borough, with a pump to raise water from the reservoir. The mayor and burgesses were to keep the pump in repair, and were empowered to raise so much water daily as would fill the reservoir, and so much might be carried away by pipes or otherwise as might be necessary for the use of the inhabitants of the town. No reservoir has been made by the Canal Company in pursuance of this Act; but about 1828 the corporation were in treaty with them to supply water for the use of the town in a mode different from that pointed out by the Act, the mode therein devised being considered inadequate to the purpose. About the same time the Canal Company were threatened with legal proceedings by an individual of the town, unconnected with the corporation, to compel them to construct the reservoir according to the Act. The Canal Company thereupon professed themselves willing to complete the work in the manner proposed by the corporation, on receiving an indemnity from the latter for deviating from the course directed by the Act. This demand of indemnity not being acceded to, the scheme was abandoned, and no measures have been yet taken to bring a supply of water into the town. A difficulty is also found in the circumstance that the Commissioners of the Paving Act have no power to apply any part of the rates to the purpose of laying pipes, &c. even if the reservoir and pump were provided by the Canal Company and corporation.

Sewers.

The main common sewer is kept up by the corporation, and has been always so maintained out of their corporate funds; the origin of their liability cannot now be ascertained. The commissioners under the above-mentioned local Act have the charge of all the small drains and gutters that run into the sewers. There is no sewage rate in the borough.

Revenue.

8. The ordinary income of the corporation of Devizes arises from the following sources:—

Income.

1. Tolls and Profits of Fairs and Markets.
2. Chief and Quit Rents.
3. Fines and Renewals of Leases.

Tolls, &c. of the Fairs and Markets.

The Markets from which the tolls and rents arise are the Thursday markets; that is to say, the Corn Market, the Pig and Sheep Market and the Cheese Market: also the Butchers' Market, held on Mondays and Thursdays. The Fairs are two in the year; one at Candlemas, the other on Holy Thursday.

The toll to which the corporation is entitled in the corn market, is a toll dish from every sample sack pitched in the market for sale.

The dues arising from the pig and sheep market are for the ground occupied, and the use of hurdles and penns.

DEVIZES.

The tolls in the cheese market, which is held in another part of the town, are for weighing, and consist in a certain payment per cwt.; the corporation, or their lessee, finding scales and weights.

The profits of the butchers' market arise from rents paid for stalls or standings; but the Monday's market has fallen into disuse; and the butchers of the town have for some time abstained in a great measure from frequenting the market on either day, claiming a right to sell in their own houses on those days as well as on others. The dispute on this subject has given rise to an action, which is now pending.

The tolls of the two fairs, together with the above-mentioned market dues, are let to one person, and are all comprehended in the same lease. The lessee takes them either by the year or by the half-year; and they are said to be more productive to the corporation as now let, than when the profits were taken by their own officers.

In the years 1825 and 1826, the tolls were put up to auction, and there was then only one bidder. The corporation have since made private contracts with the same person from time to time. At present he takes them at a rent which has been abated by the amount of 55 *l.* a year, in consequence of the disputes with the butchers, and consequent defalcation at the butchers' market. The annual rent now received is 131 *l.*

Chief Rents.

The Chief Rents are properly those which arise from freeholds, and the quit rents those which are reserved upon leaseholds, but chief rents are said to be payable upon some of the leaseholds in addition to the quit rent. This appears to have been occasioned by the liability of the corporation to pay chief rents on some of the property so leased by them, and thereupon a special reservation was made of a sum to the extent of their own liability.

In the ancient borough leases these rents were always distinguished, but in modern leases the practice has been to re-unite them. The chief rents all arise from lands or tenements within the borough; they are very numerous, some of them being only 1 *d.* or 2 *d.*, and none of them higher than one shilling.

The corporate property is much intermixed with that of individuals; in numerous instances, parts only of a tenement belong to the corporation. The corporation formerly received some rents for lands at a distance from the borough, called Castle Guard, a consideration in all probability granted to the borough for the defence of the Castle of Devizes, to which the inhabitants were bound by the charter of Richard II., which has been adverted to. These rents were from 6 *l.* to 10 *l.*; they appear to have been received in 1689, but they have now ceased for many years, and we could get no further account of them. The chief rents now received amount annually to 6 *l.* 1 *s.*

Quit-rents.

The houses of the corporation and some of the lands on which their Quit Rents are received, are let for 99 years; the remainder of their leaseholds, for 60 years. The practice of letting for 99 years absolutely appears to be the ancient usage of the corporation. It has been traced to the time of Elizabeth, and leases of 7 Jac. I. are extant, which recite the surrender of former leases. This usage has not been departed from except in the case of some lands, the terms in which were first reduced about a century ago to terms of 60 years. It was ordered by an unrepealed bye-law in 1722, that all leases should be for 99 years, on one, two or three lives, or for a less term, but nevertheless the corporation now have no leases on lives. Their tenants are very numerous: some of their property (stated to us to be not a very large proportion of it) is in the hands of their own members. No difference is made in the terms of the lease, whether to a corporator or a stranger. Recently the smaller quit-rents have been raised to 20 *s.*, and a corresponding reduction has been made in the sum paid on renewals. The total amount of these rents is 9 *l.* 19 *s.*

Canal Wharf.

One portion of the corporate property deserves a more particular notice than the rest. It is a wharf situate near the town upon the Kennett and Avon canal. By the 134th section of the Canal Act, 34 Geo. III. c. 90, proprietors were empowered to make wharfs upon their land adjoining the canal. By sec. 129, if the corporation exercised this power on their land at Devizes, no other person was to construct a wharf within a mile of the borough wharf. The corporation were unable to bear the expense of making this wharf themselves, and assigned the privilege to a private company of thirteen lessees, twelve of whom were members of the corporation and the thirteenth was brother of a corporator. The lessees covenanted to level the ground and to erect a warehouse and cranes, &c. at their own expense, the council undertaking to grant them a lease of the ground for 60 years. The lessees were bound to keep the buildings in repair during the term of 60 years, and to give them up in good repair at the end of the term to the corporation without receiving any value or consideration for the same. They were to pay 20 *s.* quit rent the first two years, and after that time, one-eighth of the profits, after deducting 5 per cent. interest on the amount of their investment. No public notice was previously given of the intention of the corporation to let the wharf, nor was any opportunity for competition afforded. Other purchases of lands lying in the neighbourhood of the wharf were afterwards made. The lands were purchased at the expense of the company of lessees and conveyed to the corporation, the former occupying them as mortgagees in possession; parts of these after-purchased lands not being wanted for the purpose of the wharf have been let out, and the rents have been received by the lessees of the wharf, who have by this means repaid themselves a part of the purchase money advanced. The remaining part of the land they occupy with the wharf and under a similar agreement. It is stated to us that the wharf has not yet paid 5 per cent. on the outlay, and the only amount received by the corporation is the sum of 2 *l.* under the head of Quit Rents. No account of the profits has been rendered to the corporation, and they have refused to seal a lease until that account has been given.

The

DEVIZES.

The practice of the corporation is to renew their leases when half the term is expired. Upon a renewal of 50 years, a year and a half's value has been usually taken as the amount of the fine. These renewals were formerly computed by reference to the poor rates for the annual value, and allowing interest at 6 *l.* per cent. About 1790 the tables were altered to 5 *l.* per cent., and in 1808 the standard of the poor rates was given up, and the yearly value is now taken at rack rent. If the property of which the lease is to be renewed is not in the hands of the lessee, the corporation ascertain the rent paid by the under-tenant; if it is occupied by the lessee himself, the chamberlain and a committee of the common council inspect the premises. The committee recommend a contract with the lessee for a renewal which is confirmed by the council. The average amount of fines taken for a period of 23 years, from 1809 to 1832, is 200 *l.* a year. Renewals.

In the account for the year ending in October 1832, there are considerable sums on both the debtor and creditor sides of the account in respect of freehold property sold and purchased. We did not find that the amount received for sales materially exceeded that which was laid out in new purchases, and the transactions in question were thus explained: The general practice of the corporation has been lately to sell the reversion in all cases in which their property was mixed with that of individuals and was the smaller part of the whole; the only exception which has been made to this rule is in one instance where it appeared that a contract had been made 30 years ago for the redemption of the land tax, and a house had been pulled down on the faith of that unexecuted agreement.

Total Income.

The Annual Income of the corporation may be estimated as follows:—

	£.	s.	d.
Tolls and Profits of Fairs and Markets, about	131	–	–
Chief and Quit Rents	103	–	–
Renewals	200	–	–
£.	434	–	–

Expenditure.

The heads of Disbursements are:—

	£.	s.	d.
Salaries to Officers	182	1	4
Fee-farm rents	31	7	8
Land-tax	6	13	7
Law	21	–	–
Buildings and Repairs, Insurance	83	12	–
Interest of Debt on Borough Bonds	124	12	–
Annual Payments on Charity Accounts	51	16	4
£.	501	2	11

Salaries.

The Salaries consist of a yearly allowance of 80 *l.* to the mayor, and of some trifling allowances to inferior officers. The salary of the mayor before the present year was 100 *l.*, it is now reduced as above.

Fee-farm Rents.

The Fee-farm Rents are paid to grantees of the Crown, but it is not known upon what property they are charged. They amount to 31 *l.* 7 *s.* 8 *d.* a year. There is an arrear on these payments of 600 *l.*, which is now secured at 4 *l.* per cent. interest.

Land-tax.

The amount of unredeemed Land-tax is 6 *l.* 13 *s.* 7 *d.*

Buildings and Repairs.

The corporation repair the Great Sewer and part of the Market-place, besides their own property in hand, such as the Town Hall, &c. The average of repairs taken for a period of about 15 years, amounts to 80 *l.* a year.

Debt.

The Debt for which the corporation are now liable, consists chiefly of balances overpaid by the chamberlain during a series of successive years. They are also liable to certain annual payments to different charities which have been recently inquired into by the Charity Commissioners, whose Report is not yet printed. Independently of these payments, they have borrowed 425 *l.* from the old almshouses, besides 410 *l.* due to the new almshouse. The debt to the latter was principally incurred about the middle of the last century, by the corporation taking to their own use, by mistake, a sum of 128 *l.* In 1770 the mistake being discovered, the principal sum and arrears of interest were added together, and formed a debt of 270 *l.* Some of the smaller sums due to the different charities bear an interest of 6 *l.* per cent. The amount of the overpaid balances, which is now all due to one individual, as also the extraordinary expenses incurred in preparing to contest the butchers' claim, amounting together to 1,500 *l.*, are now secured on bond of the corporation, carrying 4 *l.* per cent. interest.

The principal of the debt, as nearly as it can be ascertained, is therefore as follows:—

	£.	s.	d.
To the Wardens of the Old Almshouse	425	–	–
To the Wardens of the New - ditto	410	–	–
To other Trustees	880	–	–
To individuals	2,100	–	–
£.	3,815	–	–

DEVIZES.

And the Interest of the Debt forms an annual charge upon the corporate fund to the following amount:—

	£.	s.	d.
To the Wardens of the New and Old Almshouses - -	40	12	–
As Trustees - - - - - - - - - -	51	16	4
Interest on Bond Debt - - - - - - -	84	–	–
£.	176	8	4

Accounts.

For many years the chamberlains, some of whom continued in office for several successive years, and one of them a period of twelve years, have been in the habit of making up and passing their accounts at the time when they ultimately went out of office. The inconvenience, which would be the natural result of this system, has been aggravated by the accident of a particular account having been mislaid on the death of the chamberlain; by which a series of accounts for above thirty years remained unsettled and unaudited until the year 1832, when a committee of the council was appointed to inspect them. In order to prevent the occurrence of a similar mischief, it was ordered, in February last, that the chamberlain's accounts for the time to come should be annually audited on the Friday after Michaelmas, or at latest at the following council.

The accounts are passed by the common council, and are not open to the inspection of the free burgesses.

STATE OF THE TOWN. Population.

9. The Population of the Borough is shown in the annexed Table:—

DEVIZES.	1821.		1831.		1833.
	Houses.	Population.	Houses.	Population.	Registered Voters.
Parish of St. Mary - -	484	2,236	514	2,589	97
Parish of St. John - -	328	1,972	339	1,973	111
CORPORATE BOROUGH	812	4,208	853	4,562	*230
Chapelry of St. James (part)	- -	- -	†339	†1,765	47
Parish of Rowde (part) -	-	- -	† 8	† 40	—
PARLIAMENTARY BOROUGH -	- -	- -	1,200	6,367	277

* Including 22 corporators. † Boundary Reports.

For a County Rate of 123 *l.* 7 *s.* 10 *d.* the Corporate Borough of Devizes is assessed at 17 *s.*; viz. St. John's parish at 11 *s.* 1 *d.* and St. Mary at 5 *s.* 11 *d.* The whole chapelry of St. James is assessed at 14 *s.* 8 *d.* Thus it appears that the parish of St. Mary, though including a population nearly one-third greater than that of St. John, is assessed at little more than one-half the rate levied on St. John's parish. This indication of superior wealth in the parish of St. John agrees with the proportion of the population to the houses, which is six to a house, or nearly so, in St. John's parish, and only five in St. Mary's.

We transmit with this Report the following documents:

1. Copy of the Governing Charter, 15 Charles I.
2. Copy of the Charter, 1 James II.
3. Table of Burgesses from 1688 to 1833.
4. List of the Corporation.
5. Table of Fees of Clerk to the Justices of the Borough.
6. Table of Fees of the Court of Record.
7. Taxed Bill of Costs in the Court of Record.
8. An Act for paving, lighting, cleansing, watching and improving the Borough of Devizes, &c. (22d June 1825.)

Edwd J. Gambier.
J. E. Drinkwater.

REPORT

ON

THE CORPORATION OF DORCHESTER.

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CORPORATION OF DORCHESTER.

1. THE jurisdiction of the corporation comprises the entire parish of All Saints, the whole parish of St. Peter's, with the exception of a small meadow, and a part of the parish of the Holy Trinity. A rural district, called Frome Whitfield, was formerly a distinct parish of itself, but was united with the Holy Trinity by Act of Parliament in the reign of James the First, and is now considered a part of the latter parish. The whole of Frome Whitfield is beyond the limits of the corporation. Another small district called Colliton Row, an ancient chapelry within the parish of Frome Whitfield, and having a tithing-man of its own, has always been questionable ground. The right of the corporation to exercise jurisdiction there was contested in 1670, and actions were then brought against the constables of the borough for executing their office in those limits. These actions were referred to Mr. Serjeant Barton, and an award was made by him. In order to confirm the award, and to settle the question, so far as a question of this public nature could be settled by private agreement, the corporation and the owner of Colliton Row entered into mutual engagements by deed. The deed executed by the latter is in the possession of the corporation, and he there stipulates, among other things, that he will not hinder the exercise of jurisdiction by the corporation in Colliton Row. In 1720 the question as to Colliton Row came before the House of Commons upon objections to the right of persons living there to vote for Members of Parliament, and the House then decided that it was not within the borough. For many years the corporation have exercised no jurisdiction there. LIMITS. Colliton Row.

With the exception of Colliton Row, the whole town of Dorchester, properly so called, is within the borough. The village of Fordington is so situated as to form a large suburb and continuation of the town. It is not under the borough magistrates.

The whole village of Fordington, part also of the open field called Fordington field, the whole of Colliton Row, and that portion of Frome Whitfield which lies between what in the Boundary Report are called the two branches of the river Frome, have been added to the old borough by the Boundary Act for the purpose of Parliamentary representation. Additions by the Boundary Act.

2. The corporation of Dorchester is supposed to have a prescriptive right to be considered as a Corporate Body. The evidence which they have preserved of their claim in this respect consists more in tradition than in positive proofs. They possess various Charters, or references to Charters, granting the town of Dorchester to the burgesses in a form and manner which imply a state of corporate existence, but none of these charters are of very ancient date. The town was one of the ancient demesnes of the Crown. In the reign of Edward the First it appears, from a Grant now existing among the muniments of the corporation, that Isabella, called in the grant his daughter, but who was probably the wife of Edward the Second, had an interest in the rent of the borough; and it seems probable that the town was at that time under lease to the burgesses at a certain reserved rent. Different grants of the town for different terms were probably made from time to time, but the first grant in fee was made in the reign of Edward the Third, when by charter, dated 26th June, 11 Edward the Third, the town was granted to the burgesses in Fee-farm for ever at a rent of 20 *l.* a year. An inquisition to ascertain the profits of the town was recited in this grant, and a copy of it is in the possession of the corporation. The original charter of Edward the Third is not in their possession, but they have an inspeximus and confirmation of it dated 13th June, 19 Richard the Second; and also charters of inspeximus and confirmation dated 25th May, 1 Henry the Fourth; 12th November, 8 Henry the Sixth; and 26 May, 5 Edward the Fourth. HISTORY. Grants of the Town. Grant of the Town in Fee.

A Charter bearing date 13th February, 2 Richard the Third, besides setting out and confirming former charters, granted to the burgesses of Dorchester freedom from all manner of toll, and a right to try pleas in all personal actions to the extent of 40 shillings and below that sum in the King's Court within the borough, before a steward to be chosen by themselves *(coram seneschallo per ipsos ibidem deputando.)* It empowered them also to choose a coroner, who was to have exclusive jurisdiction within the borough; and likewise two constables. Charter of Richard III.

This charter of Richard the Third is set out and confirmed by one dated 5th February, 9 Henry the Seventh, which recites it as the charter of Richard, "*nuper de facto et non de jure Regis Angliæ;*" also by one dated 12 November, 4 Henry the Eighth; by one in the first year of Edward the Sixth; by one bearing date 12 January, 3 & 4 Philip and Mary; and by one of the 8 November in the first year of Elizabeth.

No charter, before the reign of James the First, established any specific form of municipal government. It appears from an old book in which wills and deeds were recorded, and which begins in the second year of Henry the Fifth, that at that period, and long afterwards, the town was governed by two bailiffs.

On the 26 June, 8 James I., a full charter of incorporation was granted, settling the constitution of the corporate body very nearly in its present form. In the succeeding reign another charter was bestowed upon the corporation, dated 22 September, 5 Charles I. This latter is now regarded as the sole Governing Charter. Charter of James I. Governing Charter.

DORCHESTER. CORPORATE BODY. Style. Constitution.

3. Under it the corporation is styled, "The Mayor, Bailiffs, Aldermen and Burgesses of the Borough of Dorchester in the County of Dorset." It consists of a Mayor, two Bailiffs, six Aldermen and six other Burgesses; the total number being 15. The burgesses are called in the charter Capital Burgesses.

Mayor.

The Mayor is elected on the first Monday after Michaelmas-day, by an elective assembly composed of the mayor for the time being or his last predecessor, the two bailiffs, a majority of six aldermen, and a majority of the existing number of capital burgesses. The mayor may be taken from any of the body of fifteen. A strict rotation has generally been observed, all the members of the corporate body serving the office in turn, and according to the order of seniority. The mayor so chosen is, if present, sworn in upon the day of the election before his next predecessor. If the preceding mayor is dead or absent, the oath of office is taken before the bailiffs and such of the other capital burgesses as may be present. If the mayor elect is not present on the day when he is chosen, he must take the oath within a month afterwards: he continues in office a year, and until another mayor is appointed in his place.

The mayor is removable from his office for ill government or other reasonable cause by the bailiffs, aldermen and the rest of the capital burgesses, or the major part of them.

In case of the death of the mayor or his removal, another mayor may be chosen by the bailiffs, aldermen and the rest of the capital burgesses to execute the office until the Monday next after Michaelmas day, and he takes the oath of office before the bailiffs.

Not more than one instance has occurred within the recollection of the present corporate officers of any refusal to serve the office of mayor. In that case the party refusing was permitted to go out of the corporation, and no fine was imposed upon him.

Bailiffs.

The Bailiffs are chosen annually on the same Monday after Michaelmas, and by the same body which elects the mayor; any of the entire body are eligible, whether aldermen or capital burgesses. The usual routine of office is for the same person to serve in successive years, first the office of junior bailiff, next that of senior bailiff, and in the third year that of mayor. The bailiffs take the oath of office before the mayor; they are removable for a reasonable cause by the mayor, aldermen and the rest of the capital burgesses; and if a bailiff dies or is so removed in the course of the year, another may be chosen in his place for the remainder of the year.

Aldermen.

The Aldermen are elected for life from the other capital burgesses by a body constituted in the same way as that which chooses the mayor and bailiffs. In general the senior capital burgesses are taken to fill up vacancies in the body of aldermen; their number is always kept full. The aldermen are sworn before the mayor; they may be removed for reasonable cause by the mayor, bailiffs, aldermen and other capital burgesses.

Capital Burgesses.

The Capital Burgesses are chosen by the same body from the inhabitants of the borough. In practice, they are always admitted to the freedom of the borough before their election, but this is not necessary. They take an oath of office before the mayor. They are removeable at the discretion of the body for a reasonable cause.

Fees on Admission.

On admission, each capital burgess, besides the stamp, pays a Fee of one guinea to the town clerk.

Residence.

All the members of the corporation are required to be resident within the borough; and they are removable for not residing. One instance is recollected of a corporator living for a short time out of the borough; but the rule as to residence is in general considered a binding one. The present numbers of the corporation are ten, all of whom reside in the borough.

Ruling Body.

All the powers of making bye-laws, of imposing fines, of regulating the corporation itself and the inhabitants of the town, are vested in the entire body composed of the above-mentioned integral parts. They may fine and imprison any persons refusing to accept the office of mayor, bailiff, alderman, or other inferior office of the borough; but no bye-laws exist imposing any such fines, nor have any fines ever been inflicted.

CORPORATION OF FREEMEN.

4. The body of Freemen in the borough of Dorchester are not a constituent part of the above municipal corporation, but they are erected into a distinct corporate body by the charter, which grants that the men and inhabitants of the borough shall be a body corporate, by the name of "The Governor, Assistants and Freemen of the Borough of Dorchester, in the County of Dorset." The governor and 24 of the freemen constitute the common council. Out of the 24, the freemen choose a governor and four assistants. Five other assistants are chosen by the mayor out of the capital burgesses. The governor is elected annually, on the same day as the mayor; he takes an oath before the mayor, and continues in his office for a year, and until his successor is chosen and sworn. Vacancies in the common council are filled up by the mayor, bailiffs and capital burgesses from the body of freemen, and the common councilmen continue in office at the pleasure of those who appoint them.

The ruling powers of this corporation are vested in the governor and assistants, who are empowered by the charter to hold four courts in the year for the admission of freemen, and any special business relating to the freemen or inhabitants; and to hold four other courts in the year for consulting on all matters relating to trade and merchandize within the borough.

In former times this corporation exercised all those powers which were bestowed upon it, and the prohibition of all strangers to exercise a trade within the borough was rigidly enforced.

enforced. By certain constitutions which were framed by the governor and assistants in 1621, for the regulation of the trade of the town, and to which all persons practising any trade within the town were obliged to subscribe, a great many minute restrictions were established, and among them a law which prohibited the demising of any house in the borough to any other than a freeman. Foreigners were not altogether excluded from this corporation, but were admitted to the freedom upon paying such fines as might be agreed upon in each particular case. All free inhabitants and freemen's apprentices were admitted on paying a fine of 12*d.* Restrictions of trade.

Besides this incorporated body it appears that there were also different companies, formed according to their respective trades, with wardens at their head. These companies have become extinct; but the corporation of the governor, assistants and freemen still meet every year on the Monday after Michaelmas, and hold a court at which a governor and assistants are chosen, and any respectable inhabitants of the borough who may apply, are admitted to their freedom. Special courts are also occasionally held for the purpose of conferring the freedom upon those who are to represent the borough in Parliament, but this preliminary step does not appear to be a necessary one.

On admission to the Freedom, besides the stamp, half a guinea is paid to the town clerk for preparing the instrument of admission and recording it. No fine is now paid. Fees on admission to Freedom.

5. The Officers of the corporation, in their order of precedence, are, the Mayor, High Steward, Recorder, two Bailiffs, two other Justices, six Aldermen, Town Clerk, Town Steward, two Serjeants at Mace, Beadle. Officers.

The Mayor is a Justice of the Peace within the borough, and must be present at the sessions. He is a Judge of the Court of Record, and executes the office of coroner within the borough; he is the returning officer. Mayor.

It has never been the practice to give the mayor any salary, nor indeed has he any emoluments whatever. At the sessions a dinner is given to the grand jury and others by the mayor; he receives towards defraying the cost of it an allowance of 20 guineas from the corporate fund; the sum allowed, until of late years, was 10*l.* only. The dinner, even with the larger allowance, is still an expense to the individual who fills the office.

The High Steward is chosen by the corporate body; his appointment is under the corporation seal, and is for life. It is an office which has always been bestowed upon a nobleman or other person of consequence. High Steward.

The Recorder is elected by the body during pleasure; it has been usual to choose a barrister. His oath of office is taken before the mayor. The recorder is a judge of the court of record, and a justice of the peace for the borough; but it has not been the practice of recorders to take any part in the ordinary magisterial business of the place. He must be present at the sessions; his emoluments consist of two moidores (2*l.* 14*s.*) for every sessions which he may hold. Recorder.

The Bailiffs are also justices for the borough and judges of the court of record; they are, together with the mayor, keepers of the muniments of the corporation. Bailiffs.

The two remaining Justices of the Peace for the borough, making the total number of justices six, are provided in the following manner:—One of them is the person who was the mayor of the preceding year; the other is elected annually at the same time as the mayor, by the same body which elects the other officers of the corporation; this last mentioned justice is called the standing justice. The person put into the office is usually taken as junior bailiff the following year, by which means he continues to be a magistrate for five successive years. Justices.

The only function which belongs to the Aldermen, independent of their corporate character, is that of being judges of the court of record. Aldermen.

The Town Clerk is chosen by the body to continue in office during pleasure; he takes an oath before the mayor. As town clerk he attends the corporate meetings and records their proceedings; he is clerk of the peace for the borough, and acts as magistrates' clerk. In the court of record his functions appear to be of somewhat an anomalous nature. By the charter he seems to be constituted one of the judges of the court, but his practical duties there rather resemble those of an associate or prothonotary, since he conducts the proceedings in the court and keeps a file of them. He is, however, so far considered a judicial officer that, when there is no business in the court, it is opened and adjourned before him alone. Town Clerk.

As town clerk he has no salary, nor any fees for attending meetings of the corporation or conducting any correspondence on their account; the only fees which he receives are those which have been mentioned as payable on the admission of capital burgesses and freemen. The fees received at sessions, as clerk of the peace, are very inconsiderable; the table by which they are taken is the same as that made use of in the county of Dorset; and as magistrates' clerk, the fees are also the same as those taken in the county; for business done as solicitor to the corporation, the town clerk makes the usual professional charges; for the corporation leases, which are prepared by him, he is paid by the tenants.

The Town Steward is the treasurer of the corporation, receiving the income and making all the disbursements. There is no regular appointment to this office; but the members of the corporation take it in rotation, each one for a year after serving the office of mayor. The town steward begins and ends his year, and his year's account in July or August. Town Steward.

DORCHESTER.

Serjeants at Mace. The Serjeants at Mace are appointed by the mayor with the approbation of the corporate body; and it seems that a new mayor, on coming into office, has power to remove them and appoint others in their place. An instance of one being so removed and of another being put into the office by the mayor, occurred between 30 and 40 years ago; unless so removed, they remain in office for a succession of years, and are presented at the court leet as continued in office. The serjeants at mace attend the corporation at their meetings and on state occasions. They execute all the process of the court of record, and summon the juries for that as well as for the other borough courts; they are paid by a salary of 30 *l.* a year each, and by such fees as they may occasionally receive for executing process in the court of record. The senior serjeant has also an allowance of two guineas a year for his trouble in collecting rents. The corporation find the serjeants in coats and hats as often as they are wanted. The serjeants also act as town criers and get the profits of their cries.

Beadle. The Beadle is appointed by the corporation. If he behaves well he is generally made a serjeant when a vacancy occurs; he has a salary of 5 *l.* 4 *s.* a year; and makes small charges for keeping the town hall, and for other matters; he has also a hat and coat provided for him when they are wanted.

Courts. 6. The Courts held within the borough, are the Court of Quarter Sessions, the Court of Record, and a Court Leet.

Sessions. The Sessions are seldom held four times in the year, in general not more than twice, and in some years only once. When the latter is the case, the court is always held on the Monday before the county quarter sessions in October. It is held before the mayor, recorder and any one of the other justices. It was the practice before the statute passed for abolishing the distinction between petty larceny and other larcenies, to try cases only of petty larceny. Since that statute passed, the distinction has been disregarded, and any offence, though beyond the value of one shilling, is tried in this court, provided that it never was one affecting life or limb. The clause in the governing charter, which restricts the jurisdiction of the justices in sessions, provides that they shall "not proceed to the determination of any treason, murder or felony, or any other thing or matter concerning the loss of life or member." In cases that are triable either at the borough sessions or at the assizes, the committal is made for the one or the other, according to the time of year. When the assizes would occur before the borough sessions, prisoners are committed to be tried at the assizes. The county magistrates, whether in or out of sessions, have no jurisdiction within the borough, there being a *non-intromittent* clause in the charter; and therefore no offences committed within the borough are tried at the county sessions.

There is no gaol in the borough for the confinement of criminals. All prisoners committed for trial at the borough sessions are sent to the county gaol; and the borough magistrates in sessions make orders on the treasurer of the county for paying the expenses of prosecutions carried on in their court. Persons also convicted at the borough sessions, and sentenced to hard labour, are sent to the county house of correction.

For ten years past the number of felonies tried at the borough sessions has not exceeded, upon an average, two or three in the year. The misdemeanors are likewise very few.

Grand Jury. The Grand Jury for the Sessions are summoned by the serjeants at mace, from the respectable tradesmen of the town. There is a regular list prepared every year by the town clerk, which is subjected to the approbation of the mayor. Many of the same names, particularly those of old tradesmen, are put into the list and summoned every year. Serving on the grand jury is not considered a burdensome office.

Petty Jury. The Petty Jury for the Sessions are chosen from the inferior tradesmen. The serjeants at mace make out the list, and send it to the town clerk. It is then, together with the grand jury list, annexed to the precept. This too is not considered a burdensome office; if, therefore, any one complains of being summoned, other persons are easily found to supply his place.

The grand jury have a dinner provided for them at the sessions in the manner already mentioned. The petty jury receive three guineas from the corporation at the Michaelmas sessions for a dinner or supper: and to this sum the mayor usually adds some private contribution from his own purse. From 30 to 40 are summoned for the grand jury, of whom the full number of 23 are sworn. About 20 are generally summoned to serve upon the petty jury.

Court of Record. The Court of Record is held on Monday from three weeks to three weeks, before the mayor, bailiffs, aldermen, recorder and town clerk, or any two or more of them, of whom the mayor or recorder, or in his absence the town clerk, must be one. The charter empowers the court to hold plea by plaint of all and singular pleas, debts, contracts, covenants, compositions, detinues, deceits, trespasses by force and arms, ejectments out of farms, actions upon the case, and all and singular real and personal and mixed suits and demands, arising within the borough, &c. not amounting to the sum of 40 *l.*

A cause in this court commences by filing the warrant to prosecute, as in the courts above. Upon that process is issued by the town clerk, tested by the mayor, and addressed to the serjeants at mace. It is tested the previous court day, made returnable at the next court, and indorsed the day on which it is issued. The form of the writ is an attachment proceeding against the person, serviceable or bailable as in the superior courts. The declaration is not delivered to the defendant's attorney, but is filed in the town clerk's office, where a search

search may be made, and the town clerk delivers copies. This is also the case with all the subsequent pleadings in a cause. DORCHESTER.

No record is made up for trial. The issue is made up on paper, containing declaration, plea, issue, and notice of trial indorsed upon it. Writs of inquiry are executed before the court. Bail also, it is said, would be put in before the court; but no case of special bail being taken has occurred for some years past.

In the last month or two several writs have been issued, but no cause has proceeded as far as trial since the year 1818. Ejectments are frequently brought in this court, on account of the shortness of time within which judgment may be obtained; but they usually terminate without a trial, a declaration being filed and judgment signed against the casual ejector. And for general purposes the court is not at the present day much used.

Any attornies may practise in the court. No table of fees is in existence, but several bills of costs remain, some of them taxed by the town clerk for the time being.

The fees are now considerably less than one-half of those in the Court of King's Bench, and it is said that they were formerly less than one-third of the fees in the superior courts.

A Court Leet is opened before the mayor on the Monday after Michaelmas-day, and is then adjourned to the day on which the Michaelmas sessions are held. On this latter day, at an earlier hour than that appointed for the holding of the sessions, the Court Leet Jury are sworn. Four constables for the borough are then appointed, and a hayward, besides other officers, whose functions are now obsolete. The leet jury are generally the same persons that constitute the grand jury at the sessions. The court leet is then further adjourned generally to the Friday in the same week, and then the new officers are sworn. It is the practice to have two constables in the parish where the mayor resides, and one in each of the other parishes of the borough. A list of persons, five or six in number from each parish, is returned by the leet jury to the mayor, and from that list he chooses the four constables. Court Leet.

7. There is a Debtors' Gaol within the borough called the Serjeants' Ward; but it consists only of one room, and it very rarely happens that any debtor is confined there. Gaol.

8. There is a local Act of Parliament, dated 1776, and entitled "An Act for better cleansing, lighting and watching the streets, lanes and other public passages within the borough of Dorchester and in the Tything of Colliton Row, in the town of Dorchester, &c. &c." Police.

The corporation are *ex officio* trustees for the execution of this Act. Besides the corporation, there are about 80 of the most respectable inhabitants of the town, who are also trustees. The qualification is 15 *l.* a year real estate; or 500 *l.* personal estate, and being an inhabitant and householder liable to be rated under the Act. There is a rate for watching, and a separate rate for all other purposes. The Watch Rate is 4 *d.* from every householder every seven weeks. It is levied now only once a year, about 2 *s.* 6 *d.* in the year on each householder, and producing in all a little more than 30 *l.* a year. This rate is found to be inadequate to the purpose for which it was intended. In the summer there is generally only one watchman. In the winter not more than three are ever employed, and they are not all engaged every night. Watching.

The other rate, called the General Rate, is not to exceed 6 *d.* in the pound in the year on the annual value of such houses, buildings and lands as are rated to the poor. It amounts to about 180 *l.* a year; and this rate, as well as the other levied under the Act, is wholly inadequate to the objects to which it is to be applied.

With regard to the lighting of the town, which is one of the purposes contemplated by the Act, there have lately been subscriptions in order to effect that object, and it is said that without these subscriptions the town could not have been lighted. Lighting.

The foot pavement of the town is done under this Act, and so are the repairs of the back streets which never have been included in any turnpike trust. Part of the main street is within the Weymouth Turnpike Act. From the Town Hall to the bottom of the town is now repairable by the town, and a clause has been inserted in a late Turnpike Act empowering the town to repair it in the same manner that highways in general may be repaired. The corporation have never repaired any of the streets of the town. Paving.

9. The corporation have the living of All Saints in their gift. It is a rectory with a good parsonage house, and is worth on an average about 100 *l.* a year. Patronage.

10. The Revenues of the corporation arise from the rents of premises at rack rent; from the lord's rents reserved on leases determinable on lives; from the profits of markets and fairs; from fines on renewals, and from a sum of money in the funds. Revenue.

The property let at Rack Rent consists only of a garden, and of the herbage of the public walks of the town. They produce only 6 *l.* 2 *s.* 6 *d.* a year. Rack Rents.

The Lord's Rents arise from houses, butchers' shambles, and other premises in the borough, which are let for 99 years determinable on lives. The income arising from this source has been increased of late years by greater rents having been reserved in all the leases which have recently been made. On the other hand the reversionary interest in several houses was sacrificed by the corporation about the year 1810 or 1811, when the interests of the lessees were bought up, and the houses themselves were pulled down for the improvement of the town. Lord's Rents.

The corporation are the proprietors of about fifty-two houses in the borough. None of the present members of the corporation hold houses or lands which are corporate pro-

DORCHESTER.

perty, except one; and he acquired the house which he holds before he came into the corporation, having purchased the interest many years before. There are, however, a certain number of tenements in lease to the Earl of Shaftesbury and Robert Williams, Esq. The following is a statement of them:

TENEMENTS in Lease to the Earl of *Shaftesbury*.

	Lord's Rent. £.	s.	d.
Six Butchers' shops (£. 1. 1. each a year)	6	6	–
Late Thresher's	–	5	–
Late Goodall's	–	16	–
King's Arms pillars	–	5	–
Late Hitchcock's	–	–	6
Late Parson's	–	8	–
Late Richards]	–	8	8
Late Standish	–	16	–
Joseph Browning	1	12	–
Late Tuexbury	–	15	1
Late Peates	–	–	6
£.	11	12	9

TENEMENTS in Lease to *Robert Williams*, Esq.

Three Butchers' shops (£. 1. 1. each a year)	3	3	–
Stable, late Lambert's	–	5	–
George Inn	8	–	–
Cottage, late Loader's	1	–	–
House, late Cooper's	–	12	–
Ditto - late Schollars	–	8	8
Ditto - late Pook's	–	9	–
For incroachment, late Short's	–	1	–
Ditto - late Hawkins	–	1	–
For passage to the walks	–	–	6
Part of late Jacob's barn	–	6	–
Two cottages, late Stickland's	–	8	–
£.	14	14	2

Markets and Fairs.

The profits of the Markets were, until 1828, in the hands of the serjeants at mace, who were allowed to take them, paying to the corporation 20 guineas a year, and receiving no salaries. The profits of the Sheep Fairs they accounted for. In 1828, the tolls and profits of the fairs and markets were let by auction, at first for one year only. The present renter has taken them for three years, at 160 *l.* a year, with the option of giving them up at the end of the first year. He has held them on beyond that time.

Renewals.

The amount of fine to be taken on each Renewal is settled by the corporate body at one of their meetings. Inwood's tables have of late years been referred to in forming their estimates. Upon an average of 14 years past, the fines amount to nearly 162 *l.* a year.

Money in the Funds.

At the present time the corporation possess 1,000 *l.* Stock in the 3 per cent. Consols, and derive of course 30 *l.* a year from it. A great part of this fund however is destined to the improvement of the town by effecting the removal of the sheep fair from the streets, in which it is now held, to a spot outside the town. The corporation have contracted to purchase for 600 *l.*, a piece of land for the purpose of this improvement; and it is intended to obtain the insertion of a clause in a new Act, for which application is to be made to Parliament, giving the corporation the same rights in the new site of the fair as they possess in the ground on which the fair is at present held.

Expenditure.

The heads of Expenditure are, the salaries of officers; repairs of the public walks, the town hall and one or two other buildings; rates, taxes and insurance; fee farm rent to the Crown; entertainments; sheep and wine to the Judges; and miscellaneous disbursements.

Receipts and Disbursements.

The following is an account of the Receipts and Disbursements for the last three years:

YEAR ending July 8th, 1831:

RECEIPTS:	£.	s.	d.
Balance of former account	66	12	9
Rack-rents	6	2	6
Lord's rents	50	16	1
Markets and fairs	165	–	–
Dividend on 600 *l.* stock	18	–	–
Miscellaneous	1	6	9
£.	307	18	1

EXPENDITURE

EXPENDITURE:

	£.	s.	d.
Salaries and allowances	78	2	6
Land-tax, rates and insurance	9	1	8
Fee-farm rents	16	2	8
Entertainments	64	12	6
Sheep and wine for the Judges	12	16	–
Stationery, printing and advertisements	19	1	10
Gift to the poor out of the George Inn	6	–	–
Works and repairs	57	10	–
Extraordinaries and petty disbursements	34	16	– ½
Balance	9	14	10 ½
£.	307	18	1

Year ending August 13th, 1832.

RECEIPTS:

	£.	s.	d.
Balance of former account	9	14	10
Rack-rents	6	2	6
Lord's rents	50	16	1
Markets and fairs	188	6	8
Dividend on 1,000 *l.* stock	30	–	–
Fines for renewals	460	–	–
£.	745	–	1

EXPENDITURE:

	£.	s.	d.
Salaries and allowances	78	9	11
Land-tax, rates and insurance	9	19	8
Fee-farm rents	16	2	8
Entertainments	70	19	3
Sheep and wine for the Judges	18	10	2
Purchase of 3 per cent. Consols	331	2	6
Stationery and printing	21	8	8
Gift out of the George Inn	6	–	–
Works and repairs	92	16	7
Town clerk's bill	25	8	7
Petty disbursements	4	2	6
Balance	69	19	7
£.	745	–	1

Year ending August 19th, 1833.

RECEIPTS:

	£.	s.	d.
Balance of former account	69	19	7
Rack-rents	6	2	6
Lord's rents	50	16	1
Markets and fairs	160	–	–
Fine on renewal	21	–	–
£.	307	18	2

EXPENDITURE:

	£.	s.	d.
Salaries and allowances	76	15	10
Land-tax, rates and insurance	9	15	2
Fee-farm rents	16	2	8
Entertainments	80	11	6
Sheep and wine for the Judges	10	19	2 ½
Stationery, printing and advertisements	36	9	–
Gift out of the George Inn	6	–	–
Works and repairs	37	17	– ½
Petty disbursements	5	4	9
Balance	28	3	–
£.	307	18	2

The future Income of the corporation may be estimated at the following amount: Future Income.

	£.	s.	d.
Rack-rents	6	2	6
Lord's rents	50	16	1
Markets and fairs	160	–	–
Average of fines on renewals	161	–	–
£.	377	18	7

DORCHESTER.

Accounts. The Accounts of the town steward are audited by the whole body, or such members as may attend a meeting which takes place for the purpose. The audit of the accounts usually takes place in July or August in every year.

State of the Town. 11. The town of Dorchester is in a thriving and flourishing condition. The buildings have improved very much of late years, and it is perhaps fortunate that they have not extended beyond the old limits of the town, as we find in other places. There has been therefore less speculation; but the trade of the place is steady, and no appearance of decline or decay is any where visible. It is true that from the narrow confines of the town, and the want of small houses within its bounds, the greater part of the poor population which would naturally belong to the town of Dorchester are settled in the adjoining village of Fordington. The poverty of Fordington ought therefore to be taken into account when estimating the real prosperity of Dorchester, and the two should in reason be considered as a single town. A considerable number of the inhabitants of Fordington are parishioners of Dorchester, and many others inhabiting the village gain a livelihood by working in the town. This connexion between the borough and its suburb seems to make it reasonable and indeed desirable that they should be united for all purposes; and though the union would increase the labour of the borough magistrates, it seems to me that the peace and good order of the whole district would be greatly promoted by the village of Fordington being transferred to their jurisdiction from that of the county magistrates.

Fordington.

Population. Population in 1831:

Borough - - - - - -	2,892
Fordington - - - - - -	2,030
Colliton Row - - - - - -	18
Total - - -	4,940

Edw. J. Gambier.

Papers, &c. accompanying this Report:

Copy of Governing Charter, 22 September, 5 Car. I.
Four Bills of Costs in the Court of Record.
Return of Names, &c. of Officers of the Corporation.

REPORT

ON

THE CORPORATION OF GLASTONBURY.

(SOMERSETSHIRE.)

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CORPORATION OF GLASTONBURY.

1. THE Limits of the corporation of Glastonbury comprise a great part of the territory, and nearly the whole population, of the two parishes of St. John the Baptist and St. Benedict. They contain within their ambit not only the town of Glastonbury, properly so called, but a considerable rural district, as far as a mile and a half from the town on every side, in which district the several hamlets of Northover, Edgarley, Norwood Park and Wick are situated. The charter of Anne, which will hereafter be referred to, states the boundaries of the corporate jurisdiction by a description, which is sufficiently accurate to allow of their being traced in every point except one. It draws the line on the southern side, from a place called *Plungen*, and thence along a *ditch* to *Pompoule's Bridge*. Now, *Plungen* is a ford on the river Brue, and there being no such ditch as is mentioned in the charter, it has been always assumed that the river Brue is the line here intended to be marked out. LIMITS.

2. The town of Glastonbury was first incorporated by a charter of Queen Anne, dated the 23d June, in the fourth year of her reign. This is the only charter that the corporation have ever received. CHARTER.

3. The style of the corporation is "The Mayor and Burgesses of the town of Glastonbury, in the county of Somerset;" and it consists of a mayor, seven capital burgesses, and sixteen inferior burgesses. CORPORATE BODY. Title and Constitution.

The Mayor is elected on the Monday before Michaelmas-day in every year, by the entire body, or a majority of them, of whom the mayor going out of office must be one. Twelve, besides the mayor, make a good elective assembly; and it does not appear to have been considered necessary that there should be a majority of the capital burgesses and a majority of the inferior burgesses; though the charter directs that the election should be by the mayor, capital burgesses and inferior burgesses, or the major part of them. The mayor is chosen from the capital burgesses, and as the office is regarded as a burdensome one, it is usual to observe a rotation in selecting for it. There is no fixed time for swearing in the mayor. The mayor of the preceding year remains in office until his successor is sworn in, and therefore the time of taking the oaths is not material. It generally takes place at the Michaelmas sessions. He takes the oaths before the preceding mayor; and if the preceding mayor is dead, before the capital burgesses, or any two of them. Mayor.

In case of sickness or necessary absence, the mayor may appoint one of the capital burgesses to be his deputy; and the deputy is to perform all things belonging to the office of mayor during the sickness or absence of the principal. The deputy takes similar oaths to those taken by the mayor. An instance has occurred, within a few years, of a deputy mayor being appointed. The appointment was on that occasion made by a regular deed. Deputy Mayor.

By a bye-law of 1783, a fine of 20*l.* may be imposed on any one refusing to take upon himself the office of mayor. This fine has been imposed in two instances that are recollected by the present town clerk; in both the fines were paid. The last instance occurred about twelve years ago. Fine for Non-acceptance.

The Capital Burgesses are elected for life by the same body that elects the mayor. They are taken from the inferior burgesses, without any rule as to the persons to be chosen. The office of capital burgess is not one that is coveted, and there have been several instances of refusal to accept. The fine for non-acceptance is 10*l.* which is known to have been, in one instance at least, imposed and paid. Capital Burgesses.

The Inferior Burgesses are elected for life, by the same body, from the inhabitants of the town. There has sometimes been a difficulty in making a proper selection of persons to bring into the corporation, but none whatever in finding a sufficient number of candidates. There is the same fine for non-acceptance as in the case of a capital burgess; and one instance of its being imposed and paid has occurred within the last two years. The number of the corporation is now full, with the exception of one vacancy among the capital burgesses, occasioned by a very recent death. Inferior Burgesses.

All the capital burgesses are resident in the town. Of the inferior burgesses, one lives at the distance of four miles; another is gone abroad, and tendered his resignation, which was not accepted, under the idea that his absence was only temporary; the rest are all resident within the town. There is no rule as to residence laid down either by the charter or by the bye-laws; but in one instance, where an inferior burgess left the neighbourhood and went to live in London, the corporation, after a refusal on his part to resign, removed him from his office. This took place nine or ten years ago. Residence.

GLASTONBURY.

Ruling Body. Bye-laws. Fines.

The principal powers of the corporation are exercised by the entire body of twenty-four which compose it. They are authorized, provided the mayor be present, to make bye-laws and to annex penalties to the non-observance of them. Some of these fines have been already mentioned. There are others for non-attendance at corporate meetings, which are rigidly enforced, and form part of the revenues of the corporation. A penalty, enacted at the same time, for betraying the secrets of the corporation, has not been enforced, and is considered as obsolete. Several others of the bye-laws are no longer in force, and the offices mentioned in them have no longer any existence.

Power of Removal.

The capital burgesses and inferior burgesses, or the major part of them, are authorized to remove the mayor for any misdemeanor or other reasonable cause.

The capital burgesses and the inferior burgesses are removable by the mayor, capital burgesses and inferior burgesses, or the major part of them, for the like cause.

The mayor and burgesses, or the major part of them, may remove the recorder for misbehaviour in his office, or any other reasonable cause.

Officers.

4. The corporate officers, besides the mayor, are a recorder, justice, town clerk and two serjeants at mace. There is no regular chamberlain or treasurer. One of the capital burgesses is deputed to keep the accounts; but this is by arrangement, and without any formal appointment.

Mayor.

The Mayor is a justice of the peace within the limits of the corporation. He sits in petty sessions once a fortnight, and presides at the quarter sessions. He is a necessary part of all corporate meetings, and by the charter is entitled to a casting vote in case of an equality of voices. He has no salary, allowance or emolument of any kind.

Recorder.

The Recorder is elected for life by the body at large. The charter requires that he should be a barrister of three years' standing; and directs that he should be chosen by the mayor, capital burgesses and inferior burgesses, or the major part of them, of whom the mayor is to be one. He is empowered to appoint a deputy; but the occasion has never arisen in later years for such an appointment being made. The recorder is the second justice of the peace for the town. He does not reside, nor does he act, except upon occasions when his presence is required, in consequence of either of the other justices being incapacitated on account of their trade, from acting in the granting of licenses, &c. The recorder receives no salary nor profit of any kind.

Justice.

The third Justice is always the individual whose mayoralty has just expired: he continues in office until a new mayor is appointed, by which provision the proper number of magistrates is always kept up. The justice receives no salary.

Town Clerk.

The Town Clerk is chosen by the mayor, capital burgesses and inferior burgesses, or the major part of them, to continue in his office during the pleasure of the same body which elected him. The town clerk is also clerk of the peace and magistrates' clerk. As town clerk he has no salary; he receives a fee of 10*s.* 6*d.* for filling up the admission-ticket of an inferior or capital burgess, each of whom pays on admission 3*l.* 13*s.* 6*d.* in all, of which 3*l.* 3*s.* is for stamp and parchment. He is also entitled to the same fee on the election of a recorder. As magistrates' clerk he has the same fees which are receivable by magistrates' clerks in the county of Somerset.

Serjeants at Mace.

Two Serjeants at Mace are, by the charter, to be chosen yearly by the mayor. No such yearly appointment in fact takes place; but the same persons, after being once appointed, continue in the office, unless they misconduct themselves, or wish to give it up. They are in attendance at the quarter sessions and at all meetings of the corporate body. Except on special occasions they do not act as peace officers; if any tumult or disturbance is apprehended they are then sworn in as special constables. They receive 10*l.* a year between them, and a hat and gown each for state occasions.

Courts.

5. The only court held within the jurisdiction of the corporation is the Court of Quarter Sessions. This court is regularly opened four times a year, and the mayor and justice attend at it. By the charter they are empowered to hear and determine all offences, except treason, murder, manslaughter, felony, or such like offence, touching the losing of life or member; and this is further explained, by adding, that they may hold a general sessions of the peace for punishing all small crimes and offences, not capital, arising within the town. There are, however, no trials at the quarter sessions, nor have there been any for many years past. The town contributes to the county rate, and all offenders are committed to the county gaol for trial, either at the county sessions or assizes. A grand jury is summoned to attend each sessions. The serjeants at mace keep a general list of the tradesmen of the town, and avoid summoning the same parties twice together. None of the corporation are ever put upon the grand jury; indeed the practice is to summon the whole body to attend as part of the mayor's council; and they are fined if they absent themselves without a reasonable cause. There is scarcely a sessions at which fines of this description are not imposed. The grand jury perform no functions whatever at the sessions, not even in making presentments; and they are always discharged very shortly after the formal business of the sessions is concluded. There is no gaol or house of correction now belonging to the corporation.

Quarter Sessions.

Jury.

Police.

6. An Act was passed in 51 Geo. III. (15 June 1831), entitled, "An Act for paving and improving the Streets and other public Passages and Places in the Parishes of St. John the Baptist

Local Act

Baptist and St. Benedict, in the Town of Glastonbury, in the County of Somerset." The mayor, recorder, justices and capital burgesses are *ex officio* commissioners for executing the Act. The other commissioners are inhabitants of the town. Each vacancy in the latter body of commissioners is filled up by the remaining commissioners nominating three persons properly qualified, whose names are delivered in at the next quarter sessions; and the Act directs that the mayor, justice and *aldermen* there present shall elect one. The qualification for such of the commissioners as are not of the corporation is a landed estate, freehold or copyhold of inheritance, of the value of 40 *l.* a year, or a personal estate of the value of 1,000 *l.* Two separate rates may be levied under this Act, one for paving and improving, the other for watching and lighting; but the two rates are not to exceed 2 *s.* in the pound in the course of the year. A rate is levied to very nearly this extent, the property on which it is put being assessed at about two-thirds of the annual value. There are watchmen occasionally employed, but not all the year round. Last February, in consequence of the disturbances and depredations which then took place in the town, a beadle was appointed by the commissioners. His appointment was principally for the purpose of looking to the state of the beer-houses. The larger sewers of the town are kept up under this Act. The total amount levied in the course of the year is about 240 *l.* GLASTONBURY.

7. The corporation possess no property, except their town hall and a small piece of ground in the town on which a weigh-bridge now stands, and on which an old market-house had previously stood for many years. The market-house being an old building and standing in the middle of a street, which it thus rendered narrow and inconvenient, it was thought desirable to pull it down. The building itself had been latterly appropriated to a silk factory, and there was an estate in the Moor near the town which was charged with the obligation of keeping the roof in repair. On its being proposed to pull down the market-house, the owner of the estate above-mentioned gave 200 *l.* to be released from the burthen; to the sum thus received by the corporation, contributions were added by different inhabitants of the town, amounting to about 226 *l.* The corporation then expended 100 *l.* in purchasing another plot of ground for the site of a new town hall; they also paid 150 *l.* to enable them to pull down an adjoining house, and proceeded to build the present town hall, the erection of which cost about 1,250 *l.* A debt was thus created, the interest of which, as well as some portion of the principal, has been paid by annual subscription among the body corporate. The subscription used to be 4 *l.* a year for every capital burgess and the town clerk; 2 *l.* a year for each inferior burgess. These subscriptions are now reduced, the former to 2 *l.* 5 *s.*, the latter to 1 *l.* 5 *s.* Twelve or fourteen years ago the Debt amounted to 800 *l.*; it is at present only 400 *l.*; it is secured by a mortgage of the town hall at 5 *l.* per cent. REVENUE. Debt.

Besides these annual subscriptions, which, when the corporation is full, produce 38 *l.* a year, there is a small revenue derived from the fines for non-attendance at sessions and other corporate meetings, and which do not exceed, upon an average, 5 *l.* a year. Income.

There are three fairs at Glastonbury in the course of the year, the standings at which bring in generally 1 *l.* 10 *s.*; this present year only 1 *l.* was received.

The Weigh-bridge, standing upon the land of the corporation, was built by subscription, under an agreement, that when the subscribers were repaid it should be made over to the corporation; the weigh-bridge will clear itself within two years. It lets at 8 *l.* or 9 *l.* a year, but a new weighing-machine being now established on the canal at the end of the town, the rent will probably fall considerably below its present amount.

The Expenditure of the corporation consists in the insurance and repairs, and keeping of the town hall; the coals which are required for it; the wages, &c. of the serjeants at mace; the interest of their debt, and some trifling outgoings. The annual cost of the town hall is taken to be about 12 *l.* a year. The serjeants at mace cost about the same sum. The interest of the debt is 20 *l.* This necessary expenditure is almost equal to the annual amount of income. Expenditure.

The treasurer's Accounts are generally made up twice a year, but the balance is more particularly struck at Michaelmas; at which time any two members of the corporation look over his account. Accounts.

8. The town of Glastonbury is likely to derive considerable benefit from a canal which has been lately opened between this place and the mouth of the river Brue, near Highbridge, the point where the Brue runs into the Parrot; at present, barges only of 25 tons and upwards go upon the canal; but it is intended to be a ship canal for vessels from 70 to 100 tons. Timber, slate, tile and coal are now the principal articles conveyed upon it. STATE OF THE TOWN. Trade.

There are not many County Magistrates in the immediate neighbourhood of Glastonbury, and all the business of the different parishes near it is transacted at the petty sessions at Wells. The jurisdiction of the town magistrates of Glastonbury is therefore considered valuable, as affording a more cheap and expeditious mode of despatching matters of an ordinary kind. It is said to cost the parish of Meer, which is only a short distance more remote from Wells than Glastonbury, 50 *l.* a year in going before the bench of magistrates at Wells; and it is estimated that the saving to the parish of St. John the Baptist in Glastonbury, by having the magisterial business transacted there instead of Wells, a distance of six miles, is 100 *l.* a year. It is the feeling of this advantage to the town that induces the individuals belonging to the corporation to enter into subscriptions for its support. Magistracy.

GLASTONBURY.

The jurisdiction of the town justices is exclusive. The county magistrates do not interfere in the examination and committal of prisoners for trial. Upon an average, the number of committals to the county prisons, including bastardy cases and all others, is about 10 in the course of the year. For petty offences prisoners are committed to Shepton Mallett; for heavy offences, to Ilchester.

Extension of Jurisdiction.

Some inconvenience is felt from a part of each of the two parishes of Glastonbury being out of the jurisdiction of the corporate justices. The poor rate for each parish must be allowed by county magistrates as well as by those of the town; and if a person occupies land partly within and partly without the jurisdiction, it is necessary to have a double proceeding in order to enforce payment of the rate. The principal parts of the two parishes which are out of the limits, were at the time of the charter uninclosed moors, which were probably disregarded in drawing the boundary of the town, on account of the small value which was attached to them in their existing state; they were inclosed in 1719, and from the change which has taken place in them it would probably be advantageous to include them, as well as any other omitted parts of the two parishes, within the limits of the corporation.

Population.

The Population of the two parishes of St. John the Baptist and St. Benedict is estimated at more than 3,000. In the census of 1831 it amounted to 2,996; within 50 of the whole number are living in the limits of the corporation.

Poor Rate.

In St. John the Baptist, which is far the most populous of the two parishes, the Poor Rate is, on an average, 1,500*l.* a year; in St. Benedict it is 300*l.* a year; and this is the proportion which the population of one parish bears to that of the other, the former being about 2,500, the latter about 500.

County Rate.

The contribution to the County Rate from the two parishes is about 240*l.* a year.

Edw. J. Gambier.

The following papers accompany the Report:

1. Copy of the Charter, 23 June, 4 Anne.
2. Copy of the Bye-laws.
3. List of the Corporation.

REPORT

ON

THE CORPORATION OF ILCHESTER.

(SOMERSETSHIRE.)

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THE CORPORATION OF ILCHESTER.

1. THE Limits of the borough of Ilchester were in dispute for some years during the time that contests were carried on for the return of Members of Parliament, one party contending that the borough did not extend beyond the town, the other that it was co-extensive with the parish of Ilchester. The effect of the last decision of a Committee of the House of Commons in 1830, by the votes which they then admitted, was to extend the borough as far as the limits of the parish. There is a considerable rural district in the parish beyond the town, the parish containing, it is said, 735 acres, of which the town occupies thirty-five only. LIMITS.

2. The ancient and perhaps the correct name of the town and parish is Ivelchester. The first Grant relating to it, as far as appears from the records of the corporation, is one of Henry II. who granted to his burgesses of Ilchester and their successors the town, with divers liberties and profits belonging to it, for 30 *l.* yearly, to be paid into his Exchequer for ever. HISTORY. Grant by Hen. II.

King John, at what period of his reign does not appear, seized into his own hands the Hundred of Stone which belonged to the town, and also granted away a parcel of the town itself, in exchange for the Park of North Petherton. The value of what was thus severed from the town exceeded 24 *l.* a year. Resumption of part, by John.

In the reign of Edward the Third the loss which the town had thus sustained, and other sudden misfortunes arising from fire and the plague, had so impoverished and depopulated it, that the burgesses were not able to pay the yearly rent and the arrears of it, and the King therefore in the 43d year of his reign remitted all arrears at that time due. Remission of Arrears of Rent, by Edw. III.

Two Inquisitions were taken, one in the first year of Richard the Second, the other in the first year of Henry the Fourth, from which it appeared that all the profits, from which the yearly fee-farm rent could be levied, did not exceed 8 *l.* a year. This amount appears to have been always paid into the Exchequer; but the exertions made to pay the residue of it, or the dread of the burthens which the exaction of it must bring upon the town, had such an effect that in the third year of Henry the Fifth it was found that the greater part of the inhabitants of the town had deserted it. The King therefore by Charter dated 12 May in that year, reciting all the preceding events and their consequences, not only remitted all arrears of the former reserved rent, but granted to the burgesses and their successors the fee of the town at a fee-farm rent of 8 *l.* a year, more than which rent was not to be demanded of them. Inquisitions, Rich. II. and Hen. IV. Charter, Hen. V.

It appears that, in the time of Philip and Mary, among the other burthens which then fell upon the inhabitants of Ilchester, and which reduced it to a most depressed and ruined condition, was the expense of supporting prisoners in the county gaol which stood within the borough. This and other causes of the decayed state of the town are recited in a charter, dated 11th September, 3 and 4 Philip and Mary, which has settled the corporation upon its present footing and which is now its governing charter. A copy only of this charter is in the possession of the corporation. The original is said to be in the Tower. With respect to the older charters, the corporation know nothing beyond the recital of them which is to be found in their copy of the charter of Philip and Mary. Charter, 3 & 4 Ph. & Mary.

3. The corporation is styled "The Bailiff and Burgesses of Ivelchester, in the county of Somerset." It consists of a bailiff and twelve capital burgesses. CORPORATE BODY. Style and Constitution.

The Bailiff is elected by a majority of the existing body from the capital burgesses on Monday before Michaelmas-day in every year. It is understood that the bailiff of the preceding year must be present, and no instance is known of the election proceeding in his absence. The number thought necessary to constitute an elective assembly depends upon the state of the corporation. If there were only ten capital burgesses, it is understood that five of them together with the bailiff would form a sufficient number. There is no particular order or rotation in which the capital burgesses are chosen into this office. There has never been found any difficulty in filling it up; in former times it was an object of contention to the different parties in the borough with a view to the elections. The bailiff is sworn on the Monday after the day of his election before his predecessor, and his year then begins. In 1818 a bailiff was removed by *quo warranto* for having exercised the office without being duly sworn in on that day. If the bailiff dies in the middle of the year a fresh election takes place, and the party elected serves the office for the remainder of the year. Bailiff.

The Capital Burgesses are chosen by a majority of the existing body from the resident inhabitants of the borough. They take the oaths before the bailiff. Capital Burgesses.

ILCHESTER.

Fees, &c. on Admission.

The stamp and other expenses attending their admission are paid by the corporation. Besides the stamp, one guinea is allowed to the town clerk for preparing the admission.

Residence.

Residence is not required in capital burgesses after they are elected. Of the present body corporate four live at a distance from the borough; three live in adjoining parishes; and six reside within the limits. The present bailiff is one of those who live near the town.

Removal.

In 1817 an attempt was made by the body to remove two capital burgesses, one of whom had not attended any corporate meeting for 13 years, the other only once in that period of time, and both of whom had refused to attend a meeting conformably to notices signed by themselves and other members of the corporation. There is an entry of their expulsion in the council book, but it appears that they attended at the next meeting and both remained in the corporation. Some proceedings are said to have taken place in the interim in the Court of King's Bench, but no entry is made of them in the council book.

Ruling Body.

Powers.

Bye-laws and Fines.

By the charter great powers are given to the bailiff and capital burgesses. They have not only the usual authority to make bye-laws and to fine for the breach of them, but they are expressly empowered, in case of refusal to accept the office of bailiff, capital burgess, or any inferior office in the borough, to imprison the party refusing, there to remain until he is willing to execute the office, and to fine him and commit him to prison until the fine is paid. These powers have never been exercised. No Bye-laws are ever known to have existed, nor have any Fines for non-acceptance or any other cause ever been inflicted.

Officers.

4. Besides the Bailiff, the only officers of the corporation are a Town Clerk, and an Under Bailiff.

Bailiff.

The Bailiff is officially the treasurer and accountant of the corporation, but this part of his duty is always performed by the town clerk. By the charter the bailiff is empowered by himself, his ministers or deputies, to arrest felons, thieves and other malefactors found within the borough, and to send them to the gaol within the borough, there to be kept until delivered by due course of law. Whatever the proper effect of this clause may be, it does not appear that the Bailiff of Ilchester has ever acted upon it. He takes no oath as a justice, and exercises no magisterial functions.

The bailiff has an allowance of 5 *l.* a year for the incidental expenses of his office. He gives no entertainments, nor indeed have there been any in the corporation for twenty years past.

Town Clerk.

The Town Clerk is appointed annually by the bailiff on the same day on which the latter enters upon his office. The present town clerk is not a member of the corporation, but there have been several instances in which the town clerk has been at the same time one of the capital burgesses. The town clerk attends the meetings of the corporation and records their proceedings. He always acts for the bailiff in keeping and making up the accounts. He is also solicitor to the corporation.

As town clerk, for attending meetings and keeping the accounts, he makes certain charges which have for many years amounted to 4 *l.* 18 *s.* 2 *d.* a year. There is a charge of one guinea made for preparing the admission of a capital burgess. He is also paid the usual professional charges for business done as solicitor to the corporation. The leases are prepared by him and paid for by the tenants.

Under Bailiff.

The Under Bailiff is also appointed by the bailiff, but he is not annually re-appointed; he usually continues in the office for a succession of years, removable, however, at the pleasure of the bailiff. He acts as serjeant at mace, attending on the corporation in the same manner that the officer so named does in other corporations. His salary or fee is 10 *s.* a year; and he receives also 2 *s.* 6 *d.* on the execution of each lease.

Courts.

5. There is no Court now held connected with the borough or corporation of Ilchester. The corporation formerly held a court leet; but an exchange of property having taken place about 32 or 33 years ago, and that property consisting of many rights in the nature of manorial rights, the present owner claims to hold the court leet. This right is said to be in dispute; but it does not appear that the corporation claim to hold the court; they have never held it since the exchange.

Police.

6. There is no Police in Ilchester beyond an ordinary constable. The town is not lighted or watched. The paving, such as it is, is kept up out of the way rate.

Revenue.

7. The property of the corporation consists partly of land and partly of money. At Odcombe near Ilchester, they have about 20 acres of land, which were the subject of the exchange that has been mentioned to have taken place 32 or 33 years ago. The corporation gave up for it several old burgage tenements in the town, which were looked upon as a burden in a pecuniary point of view; they also gave, at the same time, the tolls of the market and profits of the fairs. The burgages were, however, at the time valuable for election purposes to the party, a member of the corporation, who took them in exchange; and they have since passed into the hands of Lord Huntingtower. The land at Odcombe was let in 1812, to Mr. Phelips for 99 years, determinable on three lives, and the fine 1,080 *l.* enabled the corporation to pay off a debt occasioned by the building of the town hall. In Ilchester, the corporation are the owners of a close of about three acres let at rack-rent for 6 *l.* a year; of a meadow of eight acres, let to the Earl of Darlington in 1819, for years determinable on lives

ILCHESTER.

lives at a reserved rent of 10*s.* a year; and of a dwelling-house leased in the same way, to the Earl of Darlington in 1827, at the same reserved rent. The fine taken on the lease of 1819, was 480 *l.*; that upon the lease of 1827, was 400 *l.*; they have also a money balance which arose from the sale of lands to the Earl of Darlington 10 or 12 years ago. Of this purchase money, 180 *l.* still remain and bear an interest of five per cent. in the hands of the town clerk. The present practice as to this cash balance in the hands of the town clerk is, that at the end of the year, in making up the accounts, whatever balance is due to the corporation bears an interest of five per cent. for the succeeding year.

Income.

The Income for the corporation at the present time is as follows:—

	£.	s.	d.
Reserved Rents on Leases for lives	2	–	–
Land at Rack Rent	6	–	–
Interest of Balance in the Town Clerk's hands at 5 per cent. average	9	–	–
£.	17	–	–

Expenditure.

The Expenditure for the year ending October 1833, was as follows:—

	£.	s.	d.
Salaries, &c.	10	8	2
Repairs and Incidental Expenses	5	8	9¾
£.	15	16	11¾

This expenditure is, however, below the average, which probably would exceed 20 *l.* a year; as on the other hand the income must be augmented by the average amount of renewals, by the addition of which the average income would more than exceed the average expenditure.

Accounts.

The Accounts are made up every year to the Monday on which the mayor is sworn. They are then audited and signed by such members of the corporation as may be present on that occasion.

State of the Town.

8. The Town of Ilchester is evidently on the decline. There are no manufactures now carried on. The stimulus which was for some years given to capital and industry by the buildings that were carried on has, since the disfranchisement of the borough, altogether ceased; and the poor rate appears to be gradually on the increase. The sums expended in the support of the poor and for other purposes out of the poor rate in the four last years, are the following:

Poor Rate.

For the year ending March

1830.			1831.			1832.			1833.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
558	6	3¼	558	3	8½	577	19	3¾	599	4	0¼

Edw. J. Gambier.

A copy of the Governing Charter accompanies this Report.

REPORT

ON

THE CORPORATION OF LANGPORT EASTOVER.

(SOMERSETSHIRE.)

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CORPORATION OF LANGPORT EASTOVER.

LIMITS.

1. THE Limits of the borough, manor and parish of Langport Eastover, are all co-extensive. The River Parrot is within the boundary, and its farthe bank is the extreme limit of the corporation on the south and west sides of the town. The rural part of the parish is inconsiderable, not extending in any direction more than half a mile from the town.

HISTORY.

2. It seems to be uncertain whether Langport Eastover was a corporate town before the 17th century.

When incorporated.

In the charter of James the First, which is the only one of which the corporation have any knowledge, the matter is left in uncertainty, for though it speaks of ancient grants and charters and of a portreeve and bailiffs as then existing in the borough, it does not allege that there were any charters of incorporation, or that those officers were corporate officers; and the King is prayed to incorporate them by what name or names they were then or had been theretofore incorporate, or whether they had been theretofore incorporate or not. There are no books or records, in the custody of the corporation, of so early a date as that of the charter of James the First, and no means therefore present themselves of gaining an insight into the earlier history of the place. It is stated at one time to have sent Members to Parliament, but this right did not exist at the time of the charter of James the First.

CORPORATE BODY.

3. Under this charter, which is dated 1st July, 14 James I. the corporation is styled "The Portreeve and Commonalty of the Borough of Langport Eastover, in the county of Somerset," and consists of a portreeve, two bailiffs and nine other chief or capital burgesses. There is no body of freemen or inferior burgesses.

Portreeve.

The Portreeve is elected from the capital burgesses annually on the 1st November. The assembly at which he is elected is called a Court, and it is directed by the charter to be held by the recorder (or his deputy), who is thus constituted president of the elective body, but without having any voice in the elections. In some of the earliest entries which are extant, beginning with one in 1657, there is a court called "The Court of the Portreeve and Commonalty of the borough, in the time of —— Portreeve and —— Steward;" and a body, called "The Jury of the Portreeve and Commonalty," there presented persons to be the portreeve and bailiffs for the ensuing year. This court was held in October, and it is therefore probable that the regular chartered court was also held on the 1st November before the recorder for the completion of the elections, but it does not clearly appear whether this latter court was held or not. For many years past there has been no October court, and the elections have been on the 1st of November in the manner pointed out by the charter. For the purpose of composing a proper assembly to elect a portreeve, it is considered that a majority of the existing number of capital burgesses, whatever that may be, is sufficient, provided the portreeve be one of those present. It has generally been the rule to take for portreeve each capital burgess in the order in which he was elected to the latter office; but, by a bye-law made about ten or twelve years ago, no capital burgess is eligible as portreeve until two years after coming into the corporation.

Non-acceptance.

There is no bye-law imposing any fine for Non-acceptance of the office of portreeve. In the only case of refusal which is remembered to have occurred, and which took place in 1805, the party refusing was expelled from the corporation.

The portreeve takes the oaths before the recorder at the time and place of his election, and his year begins from that day. He continues in office until his successor is sworn in. If the portreeve dies in the middle of the year, the preceding portreeve officiates in his place for the remainder of the year.

Bailiffs.

The two Bailiffs are chosen, on the same day, and in the same manner as the portreeve, from the body of the capital burgesses; and their office like his is an annual one.

Capital Burgesses.

The Capital Burgesses, of whom there are twelve in all when the corporation is full, are elected by the same body that elects the portreeve, as vacancies occur, or as the corporation think fit to fill them up. They are selected from the resident inhabitants, all of whom in the town of Langport are called burgesses. The oaths of a capital burgess are taken before the portreeve. There is some difficulty in finding proper persons to bring into the corporation. After election no instances have occurred of refusal to accept the office.

Removal.

The capital burgesses hold their office during good behaviour, and they are removable from it for misbehaviour in their places at the pleasure of the portreeve, bailiffs and other the chief burgesses or the greater part of them, of whom the portreeve must be one. A capital burgess was removed in 1802, and the ground of his removal seems to have been two-fold,

LANGPORT EASTOVER.

fold; first for not attending his duty in the corporation, he having left the neighbourhood of Langport; and second, for not having within the specified time paid a fine of 5 *l.* which had been inflicted in pursuance of a bye-law for not having taken the Sacrament during the six months before the 1st November. In 1701 a capital burgess was removed for the irregular behaviour of which he had been guilty in the preceding year when he was portreeve.

Residence.

There is no rule or bye-law requiring the capital burgesses to reside; but it appears from one of the instances of removal above-mentioned, that if any of them remove altogether from the neighbourhood, the body have assumed the power of expelling or removing them. All the ten members, of whom the corporation now consists, reside within the limits, except one, and he lives within a quarter of a mile of the town, and has a place of business in it.

Exemptions, &c.

The corporation are exempt from serving on county juries; and this exemption extends to all the inhabitants of the town. Precepts have been sent from time to time to return jury lists, but no returns have been made; and now it is understood that the exemption is allowed. With regard to the corporation, it appears that on two occasions the same member of it was exempted from serving on a jury at the county sessions, although he was summoned as living in a different parish. On one of these occasions, the exemption claimed was as capital burgess, on the other as being likewise one of the bailiffs.

Ruling Body.

The charter directs the portreeve, bailiffs and capital burgesses to be called the Common Council. This select body is in practice understood to be the entire corporation. An authority to make bye-laws, and to establish and inflict penalties, is vested in them. They have also the general power of removing any of their own body.

Fines.

No fines are now considered as in force.

Officers.

4. The Officers of this corporation are, the Portreeve, Recorder, Justice, Town Clerk, Treasurer, two Bailiffs, Serjeant at Mace.

Portreeve.

The Portreeve is by virtue of his office coroner within the borough, and sits upon all inquests which take place there. He has also the office of clerk of the market, but no duties devolve upon him in that capacity. He is a justice of the peace within the limits, and sits in petty sessions as occasions arise for holding them. He is constituted by the charter a judge of the court of record, which will afterwards be mentioned.

The portreeve has an allowance of 20 guineas a year to assist in paying the expenses of two entertainments, which he gives in the course of his year, one called the incoming feast, the other the outgoing feast. There is also a small fee payable to him on each occasion of using the corporate seal.

Recorder.

The Recorder is elected by the portreeve, bailiffs and burgesses, to continue in office at the pleasure of the body which appoints him. Until the present recorder was elected, who is a county magistrate living in the neighbourhood, it was always a barrister who was selected for the office. The recorder is the second justice for the borough; he does not habitually act in that capacity, but only on occasions when one of the other justices is either absent or disqualified to act. He is also a judge of the court of record. It is his duty to preside at the chartered court, which is convened for the election and swearing in of officers on the 1st November, and also at another court of the same description, held annually on the second Wednesday in December, for settling the corporation accounts.

The recorder has the power of appointing a deputy, and such appointments have, from time to time, taken place: they have been made in writing, but not by deed. The Deputy Recorder can act for the recorder in all his functions, except in those of a magistrate. Neither the recorder nor the deputy have any salary, fees or other emoluments.

A recorder was removed from his office by the body corporate in 1795. It is supposed to have been for non-attendance.

Justice.

The portreeve, who goes out of office, is always the Justice for the following year. He passes from the one situation to the other as a matter of course, and without any election. The Justice has no emoluments.

Bailiffs.

The two Bailiffs had formerly duties to perform, all of which have now become obsolete. They were constituted judges of the court of record, and had also the charge of executing the process of it, together with the custody of the gaol. There is now no emolument belonging to the office.

Town Clerk.

The Town Clerk is elected by the body corporate, and holds his office at the pleasure of the portreeve, bailiffs, recorder and capital burgesses. His removal apparently must be by these parties, or the major part of them, of whom the portreeve must be one. The town clerk is never a member of the corporation. There are several instances of members resigning their place among the capital burgesses, in order to take the office of town clerk. In the charter, and in his appointment, this officer is styled Prothonotary and Town Clerk. As prothonotary he would officiate in the court of record if it were in use. As town clerk he attends the corporate meetings, and records their proceedings. He acts also as clerk to the magistrates within the borough.

He has a salary of 10 guineas a year. As solicitor to the corporation, he is paid the usual professional charges for business done. For preparing the leases of corporate property he is usually paid by the tenants. In one or two late cases of leases at rack-rent, the corporation paid half of the expense. His fees as clerk to the magistrates are the same as those taken

taken in the county of Somerset. He has a fee of 13 *s.* 6 *d.* when the corporate seal is applied to any documents that are to be sent abroad. LANGPORT EASTOVER.

A Treasurer is appointed by the corporate body, from time to time, for the purpose of receiving and disbursing the money of the corporation, and keeping the accounts. The person appointed is always one of the body, and he continues in the office for a succession of years without any fresh annual appointment. He receives no emolument of any sort. Treasurer.

The Serjeant at Mace is appointed by the entire body, and it is understood that he holds the situation during good behaviour. He has to attend upon the corporation on all occasions; he takes care of the market-house, and the weights and scales there; and it would be his duty to execute the process of the court of record, if it were in use. By virtue of his office, he is crier of the town; and he is also hall-keeper. His salary is five guineas a year, with an additional sum of 2 *l.* a year for attending to the market-house. He has a dress from time to time as may be required. Serjeant at Mace.

No Fees are paid for admission into the corporation, or into any corporate office. The stamp and parchment are paid for by the corporation. Fees.

5. The only Court, except a Court Leet, which can be held within the borough, is a Court of Record granted by the charter. This court was directed to be held on Tuesday in every week before the portreeve, recorder or his deputy, and bailiffs, of whom the portreeve and the recorder or his deputy must be two; and its jurisdiction extended to all actions of debt, assumpsit and trespass *vi et armis*, and all other actions that might be entered in the same court by way of plaint, and that arose within the town of Langport Eastover, so as they did not exceed the sum, damage or worth of 40 *l.* There are very few records now remaining of this court. A book, in which the proceedings are briefly entered, and which comprises the years from 18 Car. II. to the 1 Jac. II. is still in existence, and there are also a few declarations. The book is entirely filled, and it is therefore probable that the business of the court did not cease at the period at which the book ends; but there are no means of ascertaining how long after that date the court continued in operation. Courts. Court of Record.

The proceedings were by a summons or capias, which was directed to and executed by the serjeant at mace. In some instances the return made by this officer to the capias appears in the margin of the book, namely, that he has the party in his custody. The putting in of bail took place before one of the bailiffs; the form of declaration is the same as in the superior courts, except that all matters are alleged to arise within the jurisdiction; all the declarations that remain are by attorney; of these, three are in assumpsit for goods sold and delivered, and one for money lent. The only pleas that appear are short entries in the book, such as *non assumpsit, non est factum.* There are minutes of rules to declare, rules to plead and rules to reply. After the replication or whatever may be the last stage of the pleadings, we do not find any entry of issue being joined; but a prayer for jury process immediately follows, first a *venire facias*, then a *habeas corpora jur.* In many entries, the finding of the jury appears either for the plaintiff or defendant; and in one there is a statement of what seems to be the assessment of damages, of ordinary costs, and costs *de incremento.* There is also one in which, after a rule to reply, and the plaintiff making default and not appearing in court, there is an order for him to pay 20 *s.* to the defendant; after the finding of the jury, there are frequent entries of execution sued out. This sketch of what has been preserved relating to the practice and proceedings in this court is enough to show that, if it should ever be thought desirable to revive it, no great difficulty would arise in framing the rules by which it should be conducted. With regard to fees and costs, it would be absolutely necessary to regulate these *de novo*, as no table is extant of either the one or the other.

6. There is no local Act of Parliament relating to the town of Langport Eastover. Under the Act which is called Mr. Portman's Act, the rated inhabitants came to a vote three or four years ago to light the town. It is not watched; nor is there any Police of any kind in it, except the ordinary constables appointed at the leet: the town, however, does not require any other police force. The paving of the sides of the street is done out of the way rate. Police.

7. The Income of the corporation arises from money in the funds, from houses and lands in the town, and from money lent on mortgage on the security of church rates. The money in the funds arose from the sale of property partly in the town and partly out of it; it was sold at various times, beginning from 1801; it was property out on leases for lives, and the corporation sold the reversion in fee. The effect of these transactions is said to have been a great improvement in the town, individuals having thus acquired a motive for building on a more enlarged scale. The property let on freehold leases, or on leases determinable on lives, is very inconsiderable; a great part of it has been let on building leases within the last six years. It was waste land, and four dwelling-houses have been built on it. Another tenement, now depending on a single life, the reserved rent of which is only 2 *s.* a year, will be worth when in hand, 8 *l.* or 10 *l.* a year. There are copyhold premises also which are now held upon a single remaining life, and which now produce but 8 *s.* 3 *d.* a year; these, when the life drops, will be worth 12 *l.* or 14 *l.* a year. All these leases are intended to run out. Some other slight improvements may likewise take place; but putting these out of sight, and not taking into account a fishery which the corporation have in the Revenue. Income.

LANGPORT EAST-OVER.

river Parrot, and which, when let, produces 10*s.* 6*d.* a year, and is now wholly unproductive, the income of the corporation may be stated as follows:

	£.	s.	d.
Interest of 1,600*l.* New 3½ per cent. Stock	56	–	–
Rents of Houses at Rack Rents, £. 68 – –			
Butchers' Stalls at ditto 4 – –			
	72	–	–
For Licenses to inclose small patches of land	–	11	6
Rents of Premises on Leases for Lives, or for terms determinable on lives	3	2	–
Copyhold Rents reserved on Leases for Lives	–	12	9
Money on Mortgage of Church Rates, now 280*l.* at 4 per cent.	11	4	–
Quit Rents of Freehold Property in the town (about 100 small annual payments)	1	8	–
Present Income £.	144	18	3
To which may be added in future years the Rent of a House now building, for the finishing of which there are 300*l.*, or 400*l.* in the Treasurer's hands	25	–	–
Probable future Income £.	169	18	3

It must however be observed that the money advanced on mortgage is paid off at the rate of 20*l.* a year, and it is probable that these small annual receipts will either not be re-invested at all, or will be re-invested in a less advantageous manner.

Expenditure.

The present fixed and permanent Expenditure of the corporation is as follows:—

	£.	s.	d.
Portreeve's allowance	21	–	–
Town clerk's salary	10	10	–
Serjeant-at-mace	7	5	–
Land Tax	3	6	4
Insurance	2	4	–
Fee-farm Rent	1	10	–
Annual Payments; viz.			
To Ringers £. 1 1 –			
For taking care of Clock 2 – –			
To Lighting the Town 2 – –			
Cutting Weeds in River 1 11 6			
	6	12	6
	52	7	10
Taking the future average Income at	169	–	–
And this permanent Expenditure at	52	–	–
There will remain a Surplus £.	117	–	–

For the disposal of this sum, the following may be estimated as the contingencies:—

	£.	s.	d.
Average ordinary repairs of Bridges and Arches per annum	20	–	–
Ditto, Town Hall and other premises	40	–	–
Law charges, on an average	4	–	–
Other Contingencies	13	–	–
Surplus or Balance	40	–	–
TOTAL £.	117	–	–

This surplus, which is perhaps the utmost that can be anticipated, would, if it could be realised, form a fund for those large extraordinary expenses which must in a few years fall upon the corporation, in respect of the bridges and arches which they are bound to repair. These bridges are situated at one end of the town, and the longer of the two consists of 10 arches: there are several arches in the town itself, constructed for the passage of the water in seasons of flood, which are also kept up by the corporation.

It is but just to state, that the affairs of the corporation appear to be administered with a due regard to frugality and economy, to the general advantage of the town, and to the benefit of its poorer inhabitants. LANGPORT EASTOVER.

8. The trade of Langport, which is carried on by means of its water communication with Bridgwater, consists partly in the import of coal, timber, iron and other articles, and partly in a general freight trade from Bristol, London and Wales: this trade is said not to be in the main decreasing. STATE OF THE TOWN. Trade.

There are not more than six committals from Langport to the county gaol in the course of the year. Two county magistrates, one of whom is not in the corporation, reside within the limits of the borough, and occasionally sit with the borough magistrates when circumstances require the presence of another magistrate. Magistracy.

Population and number of Houses in Langport Eastover, in 1831:— Population, &c.

Population, 1245.	Inhabited houses	204
	Building	2
	Uninhabited	10
	TOTAL Houses	216

Average amount of Poor-rate, 270*l.* per annum. The whole real annual value of all the property in the borough or parish would not amount to 3,000*l.* Poor Rate.

Edw. J. Gambier.

Sent with this Report:

1. A Copy of the Governing Charter.
2. Return of Names, &c. of the Portreeve, &c.

REPORT

ON

THE CORPORATION OF LYME REGIS,

(DORSETSHIRE.)

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CORPORATION OF LYME REGIS.

1. Until the 19th year of James I. the jurisdiction of the corporation of Lyme was confined to the borough properly so called. The Borough is situated within the parish of Lyme, but forms only a small portion of it, the parish containing 1,600 acres, of which about 40 are in the borough. There are thirteen detached closes, lying in different parts of the parish, which are reputed to be part of the borough, and which were determined to be so in an award made between parties in 1665, the question there being whether they were in the tithing of Colway or in the borough. One of these, called Launchercroft, consisting of about eight acres, is noticed in the Report of the Boundary Commissioner, and appears in the map which accompanies his Report. The position of two others has also been ascertained; the other ten lie detached from one another in various places and cannot be exactly described. For municipal purposes it is not material to distinguish these closes, as by a charter of the 19th James I. the magistrates were invested with jurisdiction for all purposes over the entire parish. The pier or cobb was not originally part of the borough, but is now in effect incorporated with it, the borough magistrates having the same jurisdiction upon it that they have in other parts of the parish. On the north the town extends beyond the borough, but not to any considerable extent; with this exception the whole town is comprised within the limits of the borough.

Limits. Borough. Detached parts. Pier or Cobb.

For the purpose of Parliamentary representation the whole parish of Lyme, and the adjoining parish of Charmouth, have been united with the borough by the Boundary Act.

Additions by the Boundary Act.

2. The borough of Lyme is undoubtedly very ancient, and the corporation claims to be one by prescription. The earliest Charter of which any certain information remains, bears date the 3d April, 12th Edward I. It is not in the possession of the corporation, but a copy of it has been procured from the Tower. It grants that the town of Lyme shall be a free borough, and that the men of the same town shall be free burgesses; it give them a gild merchant and other liberties, which had lately been granted to the burgesses of Melecumbe, and which the citizens of London enjoyed in respect of their goods and merchandizes.

History. Early Charters. First Charter of Edward I.

The first Charter among the muniments of the corporation is dated 1st January, 13th Edward I. It grants to the burgesses of Lyme freedom from toll, &c. and a court of hustings to be held according to the customs of London. An inspeximus of this charter appears to have issued on the 18th February, 14th Edward II.

Second Charter of Edward I.

The next charter in the possession of the corporation is a Charter of Inspeximus and Confirmation of the 13th Edward I., bearing date the 20th March, 4th Edward III., with some restrictions as to liberties and franchises to be enjoyed under it, the principal of which restrictions relate to holding pleas of the Crown. A charter of the 10th June, 1 Henry IV., is merely a charter of inspeximus and confirmation.

Charters of Confirmation.

In the 1 Mary a grant dated the 14th June was made to the burgesses and inhabitants of a market and two fairs, with a court of pie poudre.

Charter 1st Mary.

There are other charters of inspeximus and confirmation merely, one of the 2 & 3 Philip & Mary; another of the 2 Elizabeth.

The above are the only grants relating to municipal rights or privileges before the 33d of Elizabeth, in which year a full and complete charter of incorporation was granted. It appears from the recital in this charter that a mayor existed at that time in the borough. At what period an officer under this name became the head of the body cannot now be ascertained. The earliest order-book which can be found begins about the year 1594, three years after the date of this last-mentioned charter. The corporation of the present day, and no doubt for many years past, have acted under an impression that this charter of 33 Elizabeth was never accepted, and they have long considered themselves as acting under prescriptive usage only, though that usage they admit is very similar to the form of government and the modes of election pointed out by the charter. I think it is quite clear that the corporation are mistaken in supposing that the charter in question was not accepted by their predecessors. The evidence to prove their acceptance of it is as follows:—

Charter 33 Elizabeth. Repudiated by the Corporation. Proved to have been accepted.

First, the mayor and burgesses by the charter of Elizabeth had a lease granted to them of the town for 60 years, to commence after the expiration of a former term. The former term here referred to was a term of 50 years, and there were also two other preceding terms, the one of 65, the other of 50 years. These terms, supposing each of them to have run out in succession, would form a total of 165 years from 1461, 1 Edward IV., when the first term came into operation, and the last of them would consequently expire in the 2d year of Charles I., 1626, that is to say, nine years before the 10 Charles I., when a fresh grant was made of the town in fee. It is therefore evident that the corporation would have a direct interest in accepting the charter of Elizabeth, under which the further grant of the town was made to them, and that if they had not accepted it they would have lost all the benefits of the

LYME REGIS.

the lease for nine years. This term granted by Elizabeth is recited in the charter of 10 Charles I. (which the corporation have unquestionably accepted) as a term then in existence; from which recital it is clear that the corporation had taken the benefit of this lease; and if they took the benefit of the lease, they must of necessity have accepted the whole charter of which it formed a part.

Secondly, there is mention made in the order-book of a *camera consilii* in 1603, of a *council-house* in 1607, and again of a *council chamber* in 13 Car. II., terms which were not likely to have been employed if usage, according to which there was no council or common-council, had been the only law of the corporation.

Thirdly, in the same year of Charles II. a fine of 10*l.* was imposed on a freeman for refusing to be sworn a constable, being thereunto required by Mr. Mayor and the justices of peace and other the capital burgesses, *according to the power granted by charter*, the fine to be levied *according to the said charter.*

Lastly, the charter of Elizabeth is expressly referred to, in several orders, as the authority on which they are made. On the 3d of October 1637, an order was made which recited that "By letters patent dated the 26th day of June, in the 33d year of the late Queen Elizabeth, full power and authority is given to the mayor and capital burgesses of the borough of Lyme Regis, or the greater part of them, for the making and ordaining such statutes and ordinances as to them in their discretion shall seem reasonable and necessary for the better ordaining and government of the capital burgesses and inhabitants of the borough aforesaid." The same order also recites that "they are stinted and restrained by the said patent, as they may not at any time have above the number of 16 to be burgesses and of the common council of the borough aforesaid." An order was made on 1st October 1666, by the mayor, recorder and capital burgesses, that a party elected a capital burgess should appear at the council-chamber, on a stated day, to be sworn and take upon him the office "according to the charter of Queen Elizabeth in that behalf granted." This order is recited in another of the 16th February 1666, in the same terms, and the charter of Elizabeth referred to in the same manner.

The above proofs clearly show that the charter of Elizabeth was, in part at least, acted upon, and that it was, in point of law, accepted by the corporation. It only remains to be seen whether any circumstances have since occurred which show that it was surrendered, or which can justify the present corporate body in repudiating it. No circumstances of this nature appear in the known history of the corporation.

The provisions of the charter of Elizabeth are in the main agreeable to the usages which now prevail in the borough. The discrepancies will be pointed out from time to time in stating the existing practice of the corporation.

After the charter of Elizabeth the following charters were also granted in relation to the general rights and powers of the corporation:

Charters of James I.

A Charter of 25th June, 2 James I., granted that the mayor and his predecessor *qui antiquissimus fuerit et maior ejusden burgi extiterit*, shall be justices for the borough.

It appears from the order-book of the corporation that some mistake occurred on the part of the person who was commissioned to procure this charter, and that the object was, not that the oldest member of the corporation who had passed the chair should be a justice for the borough, but that the immediate predecessor of the mayor should occupy that station. This mistake was rectified in a subsequent charter, dated the 7th June, 19 James I., which provided that the mayor, during the time of his mayoralty, and for two years afterwards, together with the recorder and coroner for the time being, should be justices of the peace, and their jurisdiction was made to extend not only to the borough, but over the parish of Lyme and the cobb.

Charter of Charles II.

A Charter, dated the 2d December, 36 Charles II., containing an entire municipal constitution, with the usual clause for removing corporate officers by Order in Council under the Privy Seal, was accepted by the corporation, and acted under until 1688, when it was recalled by the proclamation of James II.

Grants of the Town.

The Grants of the Town have already been alluded to. The first was by charter of the 23d December, 1 Edward IV., for a term of 50 years. The second, by charter dated 20th February, 22 Edward IV., for 65 years; and it recited that the town of Lyme was so destroyed and wasted by the tides of the sea, which often flooded it, that scarce any persons were disposed to inhabit it.

Charters of 4th June, 3 Henry VII., and of 21st November, 2 Henry VIII., are in confirmation of the grant of 22 Edward IV.

On the 25th June, 35 Henry VIII., a further grant of the town was made for 50 years, with a proviso that the burgesses and inhabitants should repair the cobb.

This grant of the town was confirmed by charter bearing date 10th December, 1 Edw. VI.

The charter of the 33 Elizabeth grants a further term of 60 years, with a condition that the burgesses and inhabitants should repair the cobb.

On the 10th June, 20 Charles I. an important charter was granted. It recites among other things that the corporation held the town of the King's progenitors at a fee-farm annual rent of 32 marks, and afterwards of 5 marks, and that Queen Elizabeth granted it for divers years then to come and unexpired; and it grants the town and cobb to the mayor and burgesses in fee-farm for ever; they paying a fee-farm rent of five marks a year for the town, and of half a mark a year for the cobb.

The

LYME REGIS. CORPORATE BODY. Style and Constitution.

3. The corporation is entitled "The Mayor and Burgesses of the Borough of Lyme, in the county of Dorset." It consists of a mayor, 15 capital burgesses, and a body of freemen unlimited in number.

Mayor.

The Mayor is chosen in the following manner:—On the Monday after St. Bartholomew's day the mayor, recorder and capital burgesses assemble together, and the capital burgesses then take an oath before the mayor and recorder (who are sworn to take their votes) to select two of their own body and to deliver their names to the mayor and recorder. The capital burgesses then retire into another room, where they choose two of their number, and return to present them to the mayor and recorder. The mayor has no voice in the election. The two names thus presented to the mayor and recorder are then delivered to the freemen, who are also assembled on this occasion, and who are sworn before the mayor and recorder to choose one of the two that shall be nominated by the capital burgesses. The freemen then retire, and by their foreman return the mayor elect to the mayor and recorder. The freemen may choose indifferently the first or second of the two names delivered to them. From 20 to 30 is about the number of freemen that usually attend for the election of mayor. Besides the mayor, it is understood that eight capital burgesses must be present in order to make a sufficient elective assembly. The act of the recorder being considered only a ministerial act, it has been the practice for him, if sick or unable to attend, to depute a capital burgess, and on one occasion he deputed the town clerk, to act for him.

Residence of Mayor.

It has not been usual to confine the choice of Mayor to resident burgesses; on the contrary, it was, before the three last elections, the practice to have a resident mayor one year and a non-resident mayor the next year. The non-resident mayor used to nominate the preceding resident mayor as his deputy. This appointment was not in writing, nor was there any entry of it in the books, except that in the minutes of the next court of hustings the court was stated to be held before the deputy. The deputy mayor does not take any oath as deputy to the mayor.

The mayor elect is sworn at the court-leet of the mayor and burgesses on the first Monday after Michaelmas, and his year begins from that day.

Charter of Elizabeth.

The mode of electing the mayor, which has been described above, is not agreeable to the Charter of Elizabeth, which vests the power of electing and nominating a mayor in the mayor and capital burgesses for the time being, or the greater part of them. Nor is the appointment of a deputy mayor expressly sanctioned by that charter; but it may possibly be supported upon a usage which is independent of the charter and not contradictory to it.

Fine for non-acceptance.

No instances of refusing to serve the office of mayor have occurred in modern times. It is probable that greater difficulty was experienced in former times in filling up the office, as by a bye-law of 1611 any capital burgess refusing the office of mayor, after being duly elected into it, was to forfeit 10*l.* to the King and 10*l.* to the succeeding mayor. This bye-law appears to be very little known to the existing members of the corporation. In 1646 a fine of 200*l.* was imposed on a party for refusing to be present to take the oath of mayor; but it was taken off again on cause shown for being absent. In 1650 a similar fine was imposed, which in 1661 was taken off "upon divers considerations."

Capital Burgesses.

The Capital Burgesses are chosen from the freemen by the body of capital burgesses. It is considered that nine must be present in order to proceed to the election of a capital burgess.

Vacancies among the capital burgesses are generally filled up on one or other of the two days which have been mentioned, the Monday after St. Bartholomew or the Monday after Michaelmas, and which are called the two prescriptive days. On either of these days any matter may be brought forward without notice. If the election of a capital burgess is to take place at any other time, the mayor is required by a bye-law of 1781 to give six days notice of such meeting.

Oath of Capital Burgesses.

The Capital Burgesses are elected for life. They take an Oath of office before the body of capital burgesses; and this ceremony is usually performed on one of the prescriptive days. Part of this oath is as follows: "His" (the mayor's) "counsel and his brethren's you shall observe and keep of and concerning all matters that shall be communed of in the council-house or elsewhere for the affairs of the common wealth of this town; and shall not disclose, discover, or report abroad what shall be treated of in the said council-house, or any particular man's opinion there delivered, touching any thing that shall there be treated or communed of, touching any the affairs of the said town."

Residence of Capital Burgesses.

Residence is not a necessary qualification for being chosen a Capital Burgess, nor by the modern practice of the corporation is it required afterwards. Of the present number of capital burgesses eight are resident in the borough; one lives about two miles from it, and has considerable property in the parish and borough; and six are non-resident, living at a distance. The vacancy which now exists among the capital burgesses is occasioned by the recent death of a resident member of that body. In 1831 six capital burgesses were residents, and ten non-resident. Three of he latter have resigned since that time.

The modern rules as to residence are a great relaxation of the more ancient ones, though it appears to be certain that there never was any absolute obligation to reside. An order was made in 1637 which recited the circumstance of five of the capital burgesses living away from the borough, and the inconveniences which arose and were likely to arise from their absence; and then enacted that if any one after that time elected a capital burgess should

LYME REGIS.

reside out of the borough by the space of two years he should be removed. Three of the five capital burgesses resigned, and their resignation was accepted; and it was ordered that notice should be given to the others to come within a stated time to reside in the borough, on pain of removal.

Fines for non-acceptance.

Fines of 100 *l.* for Non-acceptance of the office of capital burgess were imposed in 1666 and 1668, and the parties were also imprisoned. These fines were afterwards remitted. No instance has occurred in modern times of a party refusing to serve the office.

Fees on admission.

Each capital burgess on being elected pays 1 *l.* 5 *s.* to the town clerk.

Charter of Elizabeth.

It is not quite clear whether the present mode of electing capital burgesses is the same with that pointed out by the charter of Elizabeth, which gives the right of electing a capital burgess to the other capital burgesses being the common council of the borough. Now by one clause in the charter six only of the burgesses are constituted the common council of the borough; and the charter therefore seems to have limited the elective body for this purpose in a manner which is at variance with the present usage.

Freemen.

Persons are made Freemen of the borough of Lyme either by the free choice of the mayor and capital burgesses, or by being the eldest son of a capital burgess, which gives a right to claim the freedom, or by being nominated so by the mayor, who after serving the office has the privilege of naming a freeman.

It does not appear that any parties, except the eldest sons of capital burgesses, ever possessed an undoubted right to claim admission to the freedom of the town. It may have been usual in former times to admit the freeholders of the borough and other classes of inhabitants; but the power of selection seems to have been exercised by the ruling body in the corporation; and even in the instance of the eldest son of a capital burgess, his right to be admitted is founded upon an order which was made for the first time in 1671. The power given to the mayor to nominate a freeman was bestowed in 1641, only 30 years before that time. The mayor's freeman was to be admitted without fine. Those who were admitted by fine were by an order of the same year, 1641, to pay not less than 5 *l.* The freedom has never been bestowed in this manner in modern times. The only payments made by freemen on admission now are for stamp and fees. All freemen pay, besides the stamp, 1 *l.* 4 *s.* as the town clerk's

Fees on admission.

fee, and 1 *l.* 1 *s.* a fee to the serjeant at mace.

Freemen have not, for upwards of a hundred years past, been selected from the inhabitants of the borough. A different rule existed formerly, established by a bye-law made in 1627, when it was ordered by Mr. Mayor and all the company assembled in the council chamber, that no one should at any time thereafter be admitted to the freedom of the town for any fine or other respect whatsoever, unless he were an inhabitant of the town at such time as he should be admitted to the freedom thereof. This bye-law has been wholly disregarded of late years. And with regard to the residence of freemen after being elected, we find that, in 1831, out of 32, the total number of freemen existing at that period, only eight appeared in the town clerk's list as residing in the borough. Two others lived at Axminster, the remaining twenty resided at a distance.

Exemptions.

The capital burgesses are, by charter 19 James I., exempted from serving on county juries; they are said to be not exempt from serving parish offices. No particular exemptions are enjoyed by the body of freemen. If they are owners of vessels belonging to the Port of Lyme, they enjoy, in common with all others in the same situation, an exemption from the Dover Harbour duty by the 11 & 12 Will. III. c. 5. s. 8., and from the Ramsgate Harbour duty by the 32 Geo. III. c. 74. s. 70. In order to obtain the exemption in each case, a certificate is procured under the mayor's seal, stating that the vessel belongs to the Port of Lyme.

Ruling Body.

It is manifest, from the account which has been here given of the corporate body, that the whole power and dominion over the borough lies in a very limited number of persons. By usage no one has a right to claim admission to the freedom, except the son or nominee of one of the select body, and the power of admitting to the freedom was likely to be exercised with great caution and with a very sparing hand before the passing of the Reform Act, when the right of voting for Members of Parliament was confined to the burgesses and freemen. With regard to the freemen, it is stated that their numbers in 1831 were only 32, of whom 10 only appear to have been resident in the borough, or within seven miles of it, and there were in 1831 persons of property and consequence in the town who were not in the corporation. Since 1831 the number of the freemen has been increased to 56.

The list of the capital burgesses, as it existed in 1831, is remarkable on account of the names, the rank, the connexion and the non-residence of many of the parties. They were as follows:—

The Right hon. John Earl of Westmoreland.
The Right hon. Lord Burghersh.
Sir Henry Fane.
The Hon. Major Henry Sutton Fane.
Vere Fane, Esq.
Lieut.-General John Michel.
Rev. James Michel.
Rev. Joseph Domett.
Dr. Thomas Coulson Carpenter.
William Pomroy Daniel, Esq. Collector of Customs.
Charles Marr, Esq.
Arthur Mills Raymond, Esq.
John Hussey, Esq.
Thomas Brown Hardwicke, Esq.

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The constitution of this list naturally led to an inquiry whether there was not some secret individual influence which directed the movements of the whole body and machine of the corporation. The town clerk was therefore asked the question, whether the Earl of Westmoreland substantially nominated the freemen and capital burgesses. He said that he was not a member of the body, and was therefore unable to answer the question, but that he had never heard that Lord Westmoreland was consulted on the choice of freemen and capital burgesses. The same question was asked of the mayor, who answered that he did not consider himself at liberty to divulge what passed in the council room, and that, from the nature of the oath which he had taken, he declined answering the question. Individual Influence.

The part of the Oath which is considered as the impediment to disclosing the truth of this matter, has been extracted above; and, whatever may be thought of the legal force of the plea which was advanced in this particular instance, it is a subject deserving of serious consideration whether any oath of this description should ever be permitted to be taken. Oath of Secrecy.

4. The judicial, ministerial and other Officers elected by the corporation consist of— Officers.

The Mayor,

Recorder,	Two Justices,
Coroner,	Town Clerk.
Two Serjeants at Mace,	Collector of Cobb Dues,
Four Constables,	Water Bailiff,
Cobb Warden,	Hayward.

The Mayor is a justice of the peace for the borough and parish. He sits in petty sessions every Monday, and the principal part of the magisterial business falls upon him. In the same capacity he presides also at the quarter sessions. He is judge of the court of hustings, together with the burgesses, and is *ex officio*, by the charter 10 Charles I., clerk of the market, an office to which no duties are now attached. Mayor.

The mayor has a stated salary of 45*l.* a year, and is entitled to a sealing fee of 10*s.* 6*d.* on all documents intended to be sent abroad. On the two prescriptive days he entertains the corporation. There are also some other usual disbursements, among which are 2*l.* 12*s.* to each of the serjeants at mace at the assizes, and 10*s.* 6*d.* each sessions to the constables.

The Recorder is elected by the capital burgesses for life. He need not be a barrister. For many years the office was bestowed upon peers of the realm. For the last twelve or thirteen years a private gentleman has filled it, and during this period the recorder has been resident in the borough. His presence is necessary at the election of a mayor, but not on the second prescriptive day. He is one of the justices of the peace for the borough and parish, and sits with the mayor and other justices at quarter sessions, but does not there act the prominent part that is usually taken by recorders. He has no salary or allowances. Recorder.

The recorder has the power of appointing a deputy, but no such appointment has taken place in modern times, except that on one occasion, two years ago, a deputy to the recorder assisted at the election of a mayor, the recorder himself not being able to attend.

The coroner is annually elected by the mayor and capital burgesses at the same time when the mayor is elected, and is sworn before the mayor at the court leet as coroner and as justice. He is invested with the latter of these characters by the charter 19 James I. The county coroner has no jurisdiction in the borough or parish, and all inquests within those limits are held by the coroner of the borough. He has no emoluments. Coroner.

The remaining Justices of the Peace for the borough and parish are capital burgesses who have served the office of mayor, and who are, by the charter of 19 James I., continued in the office of justice for two successive years after their mayoralty has expired. They receive no emoluments. Justices.

The Chamberlain is chosen annually at the same time as the coroner, and in the same manner; he is sworn in at the court leet. The person selected for this office is always one of the capital burgesses, and the same person generally continues in it for a succession of years. The chamberlain manages all the revenues of the corporation, and superintends all the repairs. He reports to the court of hustings what repairs are necessary (unless they are to a trifling amount), and an order is there made for their being done. The chamberlain has a salary of 20*l.* a year. Chamberlain.

The Town Clerk is appointed by the mayor and capital burgesses for life. It is a necessary qualification for the office that he should be a freeman, but he is never a capital burgess. The appointment has generally been made at the first prescriptive day that happens after a vacancy. The town clerk is clerk of the peace, clerk to the magistrates, and the prothonotary of the court of hustings. He attends corporate meetings whenever they occur, and the court of hustings every Monday, on which day the magisterial business of the borough and parish is also transacted. Town Clerk.

As town clerk he has a salary of 19*l.* a year, and the fees which have been mentioned as payable on the appointment of capital burgesses and on the admission of freemen. As magistrates' clerk and clerk of the peace, he takes the same fees that are taken by those officers in the county of Dorset. For business done in the character of solicitor to the corporation, he makes the usual professional charges. The leases are prepared by him, and paid for by the tenants.

LYME REGIS. Inferior Officers. All the Inferior Officers are appointed at the court leet, except one constable, who is called the mayor's constable, and who is appointed at the time when the mayor is elected, but sworn in with the other inferior officers at the court leet.

Serjeants at Mace. The two Serjeants at Mace have now no other duties except attending the corporation on state occasions. They used to be coal meters, and in that capacity measure all the coal that came into the port of Lyme, for which a fee was paid of a farthing a bushel. The measuring of coal by these officers of the corporation has been resisted for some time past, and is now in practice given up. The serjeants at mace receive each 6 *l.* a year from the corporate fund.

Constables. All the four Constables are constables for the borough and parish. The mayor's constable, who is one of them, usually executes all warrants, summonses and other process. If he is not at hand, they are executed by one of the other constables. They have no pay from the corporation, except an usual fee of 10 *s.* 6 *d.* paid to them at each quarter sessions by the mayor.

Cobb Warden. The Cobb Warden acts as harbour master, regulates the mooring of vessels, and gives information to the mayor if nuisances are committed to the injury of the cobb. He has a salary of 10 *l.* a year.

Collector of Cobb Dues. The Collector of Cobb Dues receives the duties payable under an Act of Parliament, which will hereafter be mentioned, called the Cobb Act; he has a salary of 15 *l.* a year. His office is now filled by the same person who is cobb warden, mayor's constable and one of the serjeants at mace. Until two or three years the appointments of cobb warden and collector of cobb dues were given to different persons; the person who collected the dues for many years was also agent to the shippers. It being thought objectionable by the corporation that the same hand should both pay and receive these duties, he was dismissed two years ago, and the present arrangement of the office was then made.

Water Bailiff. The Water Bailiff has the charge of an ancient trench or channel by which fresh water is brought into the town, and which is kept in repair by the corporation. If repairs are wanted, or there are nuisances which affect it, he makes a report to the chamberlain on the subject. He is paid 40 *s.* a year by the corporation.

Hayward. The Hayward has the charge of the pound. He receives nothing from the corporation. Being also town crier, he has the profits of his cries.

Courts. 5. The Courts held within the Borough are, the Court of Hustings, the Court of Quarter Sessions, and the Court Leet.

Court of Hustings. The Court of Hustings, which was granted by Edward the First, has fallen into disuse for about half a century. It is still opened every week, but no plaints are now ever entered in it. It was held before the mayor and capital burgesses, and the presence of the mayor or his deputy, and of two capital burgesses, was required in order to form a court. Its jurisdiction was confined to the limits of the borough, and did not extend to the parish. Actions of debt and assumpsit were tried in this court to any amount. An affidavit of debt remains among the papers relating to the court, and purports to be made in 1738 for 100 *l.* and upwards on bond. The mayor issued the process of the court, and directed it to the serjeants at mace, by whom it was executed. The first step in a cause was the entry of the plaint in a form, of which the following is an example: "Robert Halson complains of John Mitchell, of a plea of trespass on the case." This was accompanied with an affidavit, whether the amount sought to be recovered was under or over 10 *l.* To the process, which was thereupon issued for attaching the defendant by his person or goods, the serjeants at mace made a return at the following court. In the above cause of *Halson* against *Mitchell*, the entry of the return was as follows: "*Halson* against *Mitchell*; serjeant's return duly executed on the defendant, and thereupon it was ended." In another case, after a similar plaint at one court, there is this entry at the next court: "*Mitchell* against *Wright*; serjeant's return; attached the defendant by his body, and thereupon it was ended." In another case, the serjeants return, that they have attached the defendant by certain goods, which remain in custody for want of pledges, &c. At the next court the plaintiff demands that the defendant do appear to this action, and thereupon files his declaration. It is ordered that the defendant do appear by himself or attorney at the next court, otherwise the said goods so attached and in custody will be forfeited and confiscated to the mayor and burgesses, according to custom. At the next court, the defendant making default, two persons are sworn to appraise the goods, which is done; the plaintiff prays to have the goods towards satisfaction of his debt, and it is done on his paying one shilling to the mayor and burgesses.

In bailable actions bail was put in before the mayor. The pleadings were in form the same as those in the superior courts.

With regard to the attornies who practised in this court, it appears that the mayor and burgesses exercised very despotic power over them; for in 1594 they ordered that Thomas Hensloe and Richard Elliott, and all others who practised in the court of Lyme, except those thereafter appointed, should be dismissed for certain good causes from their attorneyship in the same court, and should not be suffered to deal any more as attornies there other than in their causes already begun and depending. The mayor and burgesses ordered also that only three attornies should practise in the court, which attornies should make oath before the mayor and capital burgesses in the open court of hustings, and they appointed to be three attornies for this time the two serjeants William Walshe and William Hawkins, and also John Freke.

No table of the fees payable to the officers of the court is now in existence. But several bills of costs are among the papers. One of these, without a date, is as follows :—

Gardner *against* Chamberlain.

	£.	s.	d.
Process and copy	–	2	10
Affidavit of service	–	3	6
Filing declaration	–	1	–
Continuance	–	–	4
Appearance according to the statute, and duty	–	2	1
Rule to plead	–	–	4
Second continuance	–	–	4
Judgment and duty	–	1	8
Venire facias to tax damages	–	3	1
Continuance	–	1	6
Summoning jury, to the serjeants	–	1	–
£.	–	17	8
Serjeants serving notice of declaration	–	–	6
£.	–	18	2

The following bill of costs is dated, and appears to have been taxed and allowed by the court :—

The Court of Hustings of the Borough of Lyme Regis.

Kallaway *against* Callway.

	£.	s.	d.
Affidavit and plaint	–	5	10
Arrest	–	5	–
Drawing and ingrossing declaration, and duty	–	3	2
Filing it	–	1	–
Rule to plead, and fee	–	1	8
Fee on default	–	1	4
Nil dicit	–	1	6
Writ of inquirie	–	3	1
Fee	–	1	4
Summoning jury	–	1	–
Swearing jury	–	2	–
Swearing 3 witnesses	–	1	6
Entering verdict	–	1	–
Paid the jury	–	4	–
Fee to the advocate	–	6	8
Judgment and fee	–	2	4
Ca. Sa.	–	3	1
Fee	–	1	4
Bill and all.	–	1	–
Attending taxing costs	–	1	4
Charging defendant in execution	–	1	–
£.	2	10	–
Damages	10	3	6
£.	12	13	6

18 August 1740.

Taxed and allowed by the Court. Lett execution be issued for twelve pounds thirteen shillings and sixpence.

By the Court.

Quarter Sessions.

The court of Quarter Sessions is held before the justices of the borough. Either the mayor or recorder must be present to constitute a sufficient court. The jurisdiction of this court is by the charter 19 James I. made to extend over the whole parish and cobb, and in criminal matters to be as large as that of the quarter sessions for a county; but the charter has this proviso, "So that nevertheless they do not proceed to the determination of any treason, misprision of treason, murder or felony, or any other matter touching the loss of life or member." No felonies are ever tried in this court. The last case of misdemeanor was as long ago as the year 1824.

Court Leet.

The Court Leet is said to be held before the steward of the mayor and burgesses; but it seems to me that this can hardly be correct, as it appears that the mayor and capital burgesses attend the court in person. The court leet is for the borough only.

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Juries. It is usual to summon a Grand Jury regularly to the sessions. The grand jurors are summoned by the serjeants-at-mace according to a list indorsed by the town clerk on the back of the precept. The principal tradesmen of the town are taken, and a regular rotation is observed, those who do not attend at one sessions being put upon the list for the next sessions. The grand jury make presentments of nuisances, but no other business now comes before them. A petty jury is not summoned unless there is any indictment to be tried. The jury for the court leet consists of any inhabitants of the borough.

Gaol. There is a Gaol under the town-hall, which was probably made use of in former times; it is now used only as a lock-up house. The mayor's constable is the keeper of it.

Police. 6. There is no local Police Act, nor are there any peace officers in the borough except the constables, and the hayward who acts as watchman, but who has no specific appointment as such.

The town is not lighted. The principal street is repaired by the trustees of the turnpike; the other streets are repaired by the corporation.

Supply of Water. The town is supplied with fresh Water from a spot of ground which is about half a mile out of the town. It is brought that distance by means of a trench, at the expense of the corporation. Near the end of the town the water is collected in a reservoir. From the source to the reservoir the water and the channel in which it runs are not leased out, and in that part of its course persons who have houses adjoining can supply themselves with water at different spots, where there are dipping-places. There are said to be also three pumps in this part of its course before joining the reservoir. The water at the reservoir itself is in lease for 99 years determinable on lives, and it has always been leased out in this manner for 120 years past. The corporation covenant to convey the water to the reservoir, and as it must be supplied in sufficient quantities for the purposes contemplated by the lease, they prevent persons from drawing off the water by pipes in this part of its course. There is, however, a small reservoir, which a member of the corporation now has above the great reservoir, and which he was permitted to make 10 or 12 years ago by the leave of the corporation; for this he pays no consideration.

From the reservoir the water is conveyed by the lessee into the town by means of a main pipe, and the inhabitants supply themselves by branch pipes, for each of which the sum of 10*s.* a-year used to be paid, until 20 years ago, when the charge was raised to 15*s.*, at which it has since remained. The water, not required for the use of those who pay for it, is carried through the town in a trench about half a foot deep, and is said to be not only ample in quantity, but also very fit for culinary purposes, though not for drinking. It would no doubt be better for the poorer inhabitants of the town if this trench were in every part closed up, instead of being left, as it is, in various places uncovered, and if the water were then at different points carried through fountains for the public use.

Revenue. 7. The Revenues of the corporation must be considered under two heads; first, those of a general nature and applicable to general purposes; secondly, those which have since 1821 been made applicable to particular purposes only, being the produce of certain cobb duties which were then imposed.

General Income. Their General Income arises from head and quit rents; the tolls and profits of markets and fairs; certain rack rents; and fines on renewals.

There are only two tenements let at rack rent, one a private house, the other the custom-house. The remainder of their property in houses and land is let either on long terms of years, or on leases of 99 years determinable on lives. The land, exclusive of houses, does not consist of more than five acres; the houses are all in the borough. The number of separate leases is 57; the number of tenements comprised in those leases, 127.

Five of the present capital burgesses hold leases under the corporation; and two capital burgesses, one of whom died in 1821, the other in 1830, also held houses as their lessees. The first five appear to have either acquired their property before they came into the corporation, or to have purchased existing interests which were originally in other hands. Only one of the five has since renewed; and the full fine is said to have been then imposed, in strict accordance with the general rules observed in the valuation of the corporate property. A general valuation of all the estates was made in 1825 by a gentleman who has since been elected into the corporation; and this valuation, together with Inwood's tables, are referred to in settling the amount of fines.

Leases for long terms. The following is a summary of the Leases for long terms of years absolute:—

Premises let in 1775 to the son of a corporator for 500 years; reserved rent, 1*l.* a-year; annual value in 1825, 60*l.*; value in fee in 1825, 1,000*l.* The amount of fine I could not ascertain in the chamberlain's books.

Premises called the Fort and Walk, demised in 1771 for 100 years, rent 1*s.* a-year, fine 5*l.* 5*s.*

Assembly Rooms, demised in 1775 for 90 years, rent 5*l.* a-year; amount of fine I could not ascertain.

These two last parcels are joined together in the valuation of 1825. Their joint annual value was then 50*l.*, joint value in fee 1,000*l.*

A garden or nursery plot in Colway-lane, granted in 1772 for 100 years, rent 3*s.* 4*d.* a-year, fine 10*l.* 10*s.* Annual value in 1825, 2*l.* 10*s.*, value in fee 60*l.*

Two dwelling-houses demised for 500 years from 1771, at a reserved rent of 3*s.* 4*d.* a-year, fine 30*l.* They were two cottages which were pulled down many years ago. The ground is at the upper part of the town, and consists of about an acre and a half.

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Part of the Fountain Gardens, held for 99 years from 1769, rent 1*s.* a-year. Annual value in 1825, 1*l.*, value in fee 25*l.* Amount of fine I could not ascertain.

Fulling Mill, for 99 years from 1771, rent 1*l.* 1*s.* a-year, fine 40*l.* 10*s.* In 1825, annual value 10*l.*, value in fee 180*l.*

A house next Lower Meeting-house, for 500 years from 1764, rent 3*s.* a-year, fine 15*l.* 15*s.* Annual value in 1825, 20*l.*, value in fee 300*l.*

Markets and Fairs.

The profits of the Fairs and Markets before 1805 were let, it is said, for only 16*l.* a-year. What they produced from 1805 to 1821, when they were in hand, does not appear, for no receipts under that head are to be found in the chamberlain's books during the whole of that period of time. It is remarkable that accounts should have been regularly audited every year, passed and allowed, with so important an omission in them. That it was neglect only, or at most a fraudulent omission on the part of the chamberlain, and not an act of embezzlement, may be inferred from this fact, that the succeeding chamberlain compounded with the parties from whom the arrears were due; and it does not appear to have been pretended that the sums payable to the corporation had already been paid. The charge of culpable negligence attaches however with as much force to those who allowed the accounts in this state, as to the party for whose indemnity they were passed. In other respects the accounts for the years that have been mentioned seem to be correct; and I satisfied myself with regard to the disbursements by an examination of the payments and of the vouchers; the result of which examination clearly acquits him of any further blame.

The fines on renewals, upon a view of the last 14 years, are less than 43*l.* a-year upon an average. The average is stated by the chamberlain to be 45*l.*, and this amount is certainly the utmost at which they can be estimated.

Felons Goods.

It may here be mentioned that the corporation are entitled to the Goods of all Felons who are convicted for crimes committed within their jurisdiction. The profits arising from this source are never likely to be considerable. In 1769 they received 105*l.* as a composition for a felon's goods which were seized by reason of a felony committed within the borough, and which upon payment of the above sum were restored. This is the only entry of the kind that I have met with in the books.

Expenditure.

The Expenditure of the corporation may be classed under the heads of salaries; pensions; repairs and works; roads, streets, &c., rates and taxes, insurance and law charges. There are also other minor disbursements annually occurring.

Under the head of salaries there is an annual allowance made to a schoolmaster. This is a gratuitous payment on the part of the corporation. It was first allowed in 1754, when a school was established for educating 12 boys, to be recommended and nominated by the corporation. The sum of 10*l.* a-year was at first allowed to the master; a few years afterwards it was increased to 12*l.*, and in 1808 to 20*l.*, at which amount it has remained to the present time.

The pension of 30*l.* a-year is to an old servant of the corporation who had held the offices of cobb-warden and coal-meter for many years, and who had become superannuated. In 1826 a more efficient person was appointed in his room, and the retiring allowance of 30*l.* a-year was then granted to him. He is now of the age of 88.

To the head of *roads* and *streets* must be referred all expenses attending the improvement of the roads and the cleansing of the streets.

Receipts and Disbursements.

The following accounts for three years will show the particular heads of income and expenditure: they are accompanied by a statement of the valuation made in 1825, and of the probable future income of the corporation.

Year ending Michaelmas 1831.

Receipts:	£.	s.	d.
Head and quit rents to Michaelmas 1830	70	4	3
Markets and fairs, 1 year to Midsummer	52	10	–
Rents; viz.			
Custom House, 1 year to Midsummer	54	18	–
£.	177	12	3

Expenditure:	£.	s.	d.
Salaries; viz.			
Mayor - - £.	45	–	–
Chamberlain - -	20	–	–
Town Clerk - -	19	–	–
Serjeants at Mace -	12	–	–
Water Bailiff - -	2	–	–
Schoolmaster - -	20	–	–
Parish Clerk - -	1	5	–
For regulating Town Clock - -	2	13	–
	121	18	–
Pension to S. Norman, retired Cobb Warden - - - - -	30	–	–
Repairs and works - - -	28	14	6
Roads, streets, &c. - - -	7	5	9
Rates and taxes - - - -	21	5	4
Insurance - - - - -	2	4	–
Mr. G. Smith, petty charges, 3 years	38	14	7
Clothes for serjeant at mace - -	9	4	9
Quit rent - - - - -	1	12	–
Stationery and sundries - -	4	19	6
£.	265	18	5

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Year ending Michaelmas 1832.

RECEIPTS:

	£.	s.	d.
Head and quit rents to Michaelmas 1831	71	1	–
Markets and fairs, 1 year to Midsummer	49	2	6
Rents; viz.			
Custom House, 1 year to Midsummer	54	18	–
£.	175	1	6

EXPENDITURE:

	£.	s.	d.
Salaries, &c.	121	18	–
S. Norman, allowance	30	–	–
Repairs and works	9	–	4
Roads, streets, &c.	10	8	3
Rates and taxes	12	10	8
Insurance	2	4	–
Sheriff of the county, 2 years	3	7	4
Quit rent	–	16	–
Stationery and sundries	4	4	9
£.	194	9	4

Year ending Michaelmas 1833.

RECEIPTS:

	£.	s.	d.
Head and quit rents to Michaelmas 1832	67	14	2
Markets and fairs 1 year to Midsummer	48	–	–
Rents; viz.			
Custom House, 1 year to Midsummer	54	18	–
House, Mrs. Goulton, 1 year to Michaelmas	15	–	–
Renewals; viz.			
G. Wood £.30 – –			
J. Bennett 10 – –			
J. Munden, Waterworks 55 16 –			
	95	16	–
Heriots	7	–	–
£.	288	8	2

EXPENDITURE:

	£.	s.	d.
Salaries, &c.	121	18	–
S. Norman, allowance, 4 quarters to Michaelmas	30	–	–
Repairs and works	40	11	9
Roads, streets, &c.	13	14	2
Rates and taxes	15	14	8
Insurance	3	8	9
Mr. G. Smith, on account of petty charges	20	–	–
Sheriff of the county	1	13	8
Serjeant at mace and watchman's clothes	6	8	4½
Stationery and other disbursements	2	8	11
£.	255	18	3½

Valuation of Property.

Valuation of the Property belonging to the Corporation of Lyme Regis in 1825:

	£.	s.	d.
Clear annual value	1,046	10	–
Value of the same in fee	18,500	–	–
Annual reserved rents	171	16	1
Amount of all the heriots	106	8	–
Value of the reversion in fee	5,759	–	–

Future Income.

Probable future Income of the Corporation:

	£.	s.	d.
Markets and fairs, rack rents, head and quit rents	185	–	–
Average of renewals	45	–	–
Average of heriots, &c.	5	–	–
£.	235	–	–

Cobb Duties.

The revenues which arise from the Duties payable in respect of the Pier or Cobb are now appropriated to particular purposes by Act of Parliament. It appears that from time immemorial the corporation have received certain dues called Cobb Duties, and it is probable that the receipt of these dues was always accompanied with an obligation to keep up and repair the cobb. In the grant of the town, dated 25th June, 35 Henry VIII. there is an express proviso that the burgesses and inhabitants should repair the cobb. There is a similar condition in the grant of 33 Elizabeth.

The charter of 20 Charles I., which grants the town and cobb to the mayor and burgesses in fee, recites that the cobb is maintained and repaired by the mayor and burgesses at a great expense; that for the repair of it they have been accustomed to receive certain customs called cobb duties, and that by an inundation the sea walls had fallen into great decay and ruin. Then, in consideration that the cobb cannot be maintained without great and continual expenses on the part of the burgesses and inhabitants, it grants the town and cobb in the manner before mentioned, and provides that the mayor and burgesses, all and singular the structures, banks, sea shore, and all other mounds and fosses within the borough of Lyme, or to the said borough in any manner belonging or appertaining, or situated between the borough and the sea, and also the said structure called the Cobb, at their own costs and charges from hence for ever, from time to time, as often as may be necessary or expedient, shall well and sufficiently repair, maintain and keep up.

The great expenses attending the cobb have induced the Crown to grant further aid from time to time to enable the corporation to sustain the burden of repairing it.

In

LYME REGIS.

In the 8 James I. a grant was made for this purpose to the mayor and burgesses of an annuity of 20*l.* for 21 years.

On the 27th September 1655, Oliver Cromwell gave them 1,000*l.*, to be paid in 10 years by 100*l.* a year towards repairing the cobb.

On the 9th September, 22 Charles II. a grant was made of 100*l.* a year for seven years.

On the 11th March, 2 James II. there was a confirmation and continuation of some preceding annuity of 100*l.*

In the 3 Anne the same annual sum was granted for 19 years and a half.

In 1755 we find that, besides an annuity of 100*l.*, a further annual sum of 100*l.* called *Bounty*, was received by the corporation from the Treasury. These annual payments, when not required at the moment for the repair of the cobb, were allowed to accumulate, and purchases were from time to time made in the Three per cent. Reduced Annuities. In 1804 the stock so purchased amounted to 15,000*l.* In 1805 and 1807 a considerable portion of it was sold out, and the balance was from time to time diminished as the purposes of the cobb required a further outlay upon it. The last portion of this fund was expended in 1832.

The payments made from the Treasury ceased a few years ago, the Government having expended a large sum in the reparation of the cobb, and an Act having passed by which the cobb duties were greatly increased.

Cobb Act.

The Act here alluded to was passed in 1821. It is entitled "An Act for improving and maintaining the Harbour, Pier or Cobb at the Port and Borough of Lyme Regis, in the County of Dorset." It recites, among other things, that the ancient cobb duties are of inconsiderable amount, and are insufficient for maintaining the cobb in good repair, &c., and that it is expedient that more effectual provisions should be made for enabling the mayor and burgesses to maintain and keep in repair the said pier or cobb, and the sea walls, sea works and other things therewith or thereto appertaining. It then enacts that the cobb duties or customs shall be increased, and that the mayor and burgesses may take the several rates and duties stated in two Schedules (A.) and (B.) Power is given to the mayor and burgesses to reduce these rates from time to time, and again to raise them to the extent set forth in the Schedules. The corporation were also by the Act authorized to borrow such sums of money as might be necessary to defray the costs, charges and expenses relative to or attending the obtaining and passing of the Act, and to charge the cobb, and the duties to be collected under the Act, with the payment of the principal sums so borrowed and interest for the same. The mayor and burgesses (after first paying all interest for any money borrowed as aforesaid) were to apply the cobb duties in repairing and maintaining the cobb, sea walls, sea works and other things thereto appertaining, and in paying off any monies borrowed as aforesaid.

The effect of this Act was to raise the annual amount of cobb duties from 65*l.* which may be taken to have been the average receipts before the Act, to 450*l.*, the average receipts since the Act passed.

Cobb Receipts and Expenditure.

The following are the accounts of the Receipts and Expenditure for three years, ending 30th September 1833. These accounts are passed at the October County Sessions in every year:

Cobb Receipts from 1st October 1830 to 30th September 1831.

	£.	s.	d.
Harbour Dues	470	10	5
Fine for breaking Stone	1	–	–
£.	471	10	5

Cobb Payments and Disbursements from 1st October 1830 to 30th September 1831.

	£.	s.	d.
Principal and Interest	252	19	–
Salaries, &c. and Fee-farm Rent	63	12	–
Repairs and Sundries	60	18	3½
£.	377	9	3½

Cobb Receipts from 1st October 1831 to 30th September 1832.

Harbour Dues	£. 426	7	4

Cobb Payments and Disbursements from 1st October 1831 to 30th September 1832.

	£.	s.	d.
Principal paid off	229	11	9
Interest	168	4	3½
Law Expenses, *Henley* v. *Corporation*	25	2	6
Fee-farm Rent	2	4	6
Salaries, &c. &c.	61	7	6
Sundries	–	5	9
£.	486	16	3½

Cobb Receipts from 1st October 1832 to 30th September 1833.

Harbour Dues	£. 416	15	9½

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Cobb Payments and Disbursements from 1st October 1832 to 30th September 1833.

	£.	s.	d.
Fee-farm Rent	2	4	6
One Year's Interest on Mortgage	132	–	–
Principal paid off	200	–	–
Salaries, Fees, &c.	61	7	6
Repairs and Sundries	50	6	4
£.	445	18	4

A very important question as to the liability of the corporation to repair certain parts of the sea walls is now the subject of dispute and litigation. From the cobb along a walk which leads by the sea shore to the town, and still further eastward, comprising a sea wall opposite the assembly rooms, there is a continued line of works as to which no doubt or controversy appears to exist, the corporation admitting their obligation to repair them. Beyond the assembly rooms to a point which is called the easternmost sea wall, and which is situated at certain lime kilns, the corporation likewise allow, as I understand, that they are bound to keep up the groins or jetties which lie between those extreme points, but not the parts or spaces between the jetties. With regard to that part of the coast which is beyond the easternmost sea wall, and also out of the borough, it seems to me that no liability to repair it can attach to the corporation, and that any injury which the land may there sustain is not a matter to which they are either bound or able to apply a remedy.

In order to defend an action relating to one of the disputed parts of the coast, and which is still pending by writ of error in the House of Lords, as well as for the purpose of repairing the cobb and sea works, a very large Debt has been incurred by the corporation. The following is the account of the mode in which this money was raised, and of the application of part of it.

Debt.

ACCOUNT of MONIES raised on Mortgage for the repair of the Cobb and Sea Walls, and for defending the Suit at Law brought against the Corporation, by H. H. Henley, Esq.

		£.	s.	d.
1826:	29 July – To Cash of A. M. Raymond, Esq.	1,000	–	–
	15 August – ditto – ditto	1,000	–	–
	15 September – ditto – ditto	1,000	–	–
	28 October – ditto – ditto	500	–	–
	4 November – ditto – ditto	500	–	–
1833:	6 February – To Cash of Thomas Chambers	1,000	–	–
	8 March – ditto – ditto	1,000	–	–
	£.	6,000	–	–

Application of part of the above Loan:

		£.	s.	d.
1826:	7 August – By Cash paid the Treasurer of Ordnance	1,000	–	–
	2 September ditto – ditto	1,000	–	–
	28 — – ditto – ditto	1,000	–	–
1827:	16 July – By Cash paid Mr. Smith on account of Law Expenses	30	10	–
	3 August – ditto – ditto	22	10	–
	2 — – ditto – ditto	127	–	–
	29 October – ditto – ditto	40	–	–
1828:	14 March – By Cash paid Mr. William Dean	300	–	–
1829:	5 — – ditto – ditto	103	13	–
	14 — – By Cash paid Edward Griffith	96	7	–
	7 January – By Amount of Taxed Costs paid to Mr. Henley's Solicitor	280	10	–
	£.	4,000	10	–

From the account of the corporation with their bankers, Messrs. Coutts & Co. it appears that on the 11th July 1833 there were purchased 2,000 *l.* Exchequer Bills, viz.

	£.	s.	d.
For £ 500. September 27, and 287 days' interest	508	19	4
— 500. December 18, and 205 days' interest	506	8	1
— 1,000. June 20, and 21 days' interest	1,001	6	3

Of the 4,000 *l.* advanced by Mr. Raymond, 200 *l.* of the principal has been yearly paid off from January 1827; so that in August 1833 the sum of 1,400 *l.* was paid off in all.

The debt therefore at Michaelmas 1833 stood thus:

	£.	s.	d.
To A. M. Raymond, Esq.	2,600	–	–
Thomas Chambers, Esq.	2,000	–	–
£.	4,600	–	–

From

From which amount the value of the Exchequer Bills being deducted, the remainder will show the actual amount of debt at that period.

The payments of principal and interest above mentioned have been made out of the monies received under the Cobb Act. The Act does not seem to me to authorize such an application of the cobb duties, and it is remarkable that the accounts should from year to year have been passed and allowed without adverting to the provisions of the Act itself, which does not empower the corporation to apply the proceeds of the cobb dues to the discharge of any debt except that which may be incurred for defraying the costs of obtaining the Act.

The monies borrowed have been secured by mortgage on the general property of the corporation. To the question, whether the corporation had, as a body, given any other security to the mortgagees besides the mortgage, the mayor declined to give any answer; being advised by the town clerk that he would by answering it commit himself in a pecuniary point of view.

Accounts.

The General Accounts of the corporation are made up to Michaelmas in every year, and are passed as soon as possible after Michaelmas by a committee, consisting of three or four of the capital burgesses. The cobb accounts are audited by three or four of the county magistrates at the October sessions in every year.

State of the Town.

8. The trade of the Port of Lyme is not very considerable. In the following return of vessels and tonnage the trade of Bridport is included for the years ending 5th January 1831 and 1832, and for the first quarter of the year ending 5th January 1833; since which period Bridport has been a distinct port.

Port of Lyme.

Trade of the Port.

AN ACCOUNT of the number of Ships and Vessels which have entered and cleared at this Port with Cargoes Inwards, Outwards and Coastwise in the years undermentioned.

	Number of Vessels.	Tonnage.	Years ending:
Inwards	56	3,997	5th January 1831.
Outwards	26	867	
Coastwise	547	40,066	
Total	629	44,930	
Inwards	55	3,748	5th January 1832.
Outwards	23	628	
Coastwise	477	33,279	
Total	555	37,655	
Inwards	21	868	5th January 1833.
Outwards	21	476	
Coastwise	247	16,446	
Total	289	17,790	
Inwards	22	692	From 6th January to 16th December 1833.
Outwards	8	257	
Coastwise	171	10,928	
Total	201	11,877	

Streets, &c.

The town itself has the appearance of having remained for many years in an unimproved state. Part of the principal thoroughfare is a very narrow street, which is on that account stated to be dangerous to foot passengers; and a complaint was made that a footpath, which enabled persons to avoid this spot, was some years ago stopped up by the corporation. The reason alleged for stopping up the path was that representations had been made as to its general condition, which induced the corporation to regard it as a nuisance. It would have been better if, instead of depriving the public of the accommodation and protection which this footway afforded, the corporation had exercised their authority or contributed from their revenues towards its improvement. In this and in other respects, among which may be mentioned the situation of the fish market which still exists in one of the principal parts of the town, and the state of the butchers' shambles, which are in the main street and uninclosed, the attention of the corporation appears to have been not sufficiently directed to works and measures of public utility.

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Population.

In 1821 the Population of the Parish of Lyme was 2,269.

In 1831: Borough - - - - - - - -	2,407
Rest of the Parish of Lyme - - -	214
Total of the Parish of Lyme -	2,621
Parish of Charmouth - - - -	724
Total of the New Borough -	3,345

Edward J. Gambier.

The following Papers and Documents accompany this Report:

1. List of Capital Burgesses;
2. List of Freemen;
3. Oath of a Capital Burgess;
4. Copy Charter, 12th April, 12 Edward I.;
5. Dates of the Charters;
6. Copy Charter, 7th June, 19 James I.;
7. Abstract of Charter, 33 Elizabeth;
8. Copy Charter, 10 Charles I.;
9. Bye-laws relating to the Cobb;
10. Cobb Act, 8th June 1821.

REPORT

ON

THE CORPORATION OF POOLE.

(DORSETSHIRE.)

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CORPORATION OF POOLE.

1. THE Land Jurisdiction of the corporation of Poole is co-extensive with the parish of St. James, and the boundaries are well understood and defined. On the north-east of the borough there are several streets and detached buildings, which are not within the jurisdiction of the corporation, and which may be considered as forming part of the town. LIMITS. Land Jurisdiction.

The corporation have an Admiralty Jurisdiction, the boundary line of which is not very accurately ascertained, but which comprehends certain points which are perfectly well known. In the first place, it extends to a place called Redcliff Attwell, up the Wareham Channel, three or four miles from Poole; a stone is placed there to designate the boundary, and there is an instrument under seal, by the mayor and barons of Winchelsea, dated 26 April 1365, and purporting to be a declaration that the water between Redcliff Attwell and the North Haven belonged to Poole, and that it had been always called the Haven of Poole. The North Haven Point is one of the points which form the entrance to Poole Harbour, and is deemed one of the boundaries of the admiralty jurisdiction. Beyond the North Haven Point and in a seaward direction, the extent of the jurisdiction is ascertained in the following manner. The jury, who are summoned from time to time to the Admiralty Court, are in the habit of proceeding down Poole Harbour to its entrance. Upon arriving at North Haven Point, the water bailiff, with several of the jurymen, go off to sea in a sloop, and when they have found out certain old marks or bearings they put a Humber barrel out of the vessel, and lay it floating on the water. The Humber barrel is placed at a point where it is supposed that it can be descried by the naked eye from North Haven Point, and from a neighbouring sand-bank known by the name of Horse Manger. It is the practice for the remainder of the jury to stand at one or other of these points; the distance at which the Humber barrel is thus seen is nearly three miles. It is not precisely known how far the jurisdiction extends to the eastward and westward of the Humber barrel, but it seems that process has been executed to the eastward near Bourne Mouth, a point about four miles from the position of the Humber barrel, and to the westward as far as Ballard or Bollard Head, the northern point of Swanage Bay. Admiralty Jurisdiction.

The new borough, marked out by the Boundary Act, consists of the whole of the parish of Great Canford, and of part of the parish of Hamworthy. Additions by the Boundary Act.

2. The corporation is thought to have been one by prescription, but the evidence in support of this opinion is very defective. The town was probably one of the demesnes of the Crown at an early period, for it appears to have been in the hands of William Longespee, who was either himself the natural son of Henry the Second, or a descendant of that son, and it is therefore probable that the family originally obtained the town by royal grant. A Charter, granted by William Longespee to the burgesses of Poole, is still in existence, but it has no date, and the title of Earl of Salisbury, which was borne by some of the family, does not appear in it. By this charter it is provided, that the burgesses should choose six of themselves, out of whom the grantor or his heirs were to appoint one to be the provost of the town. It appears that at the same time there were bailiffs, but they were nothing more than the officers of the lord of the town, who held his courts, and who directed and regulated the enjoyment of the rights of common to which the burgesses were by custom entitled. HISTORY. Early Charters.

This grant was confirmed by William Monteacute, Earl of Salisbury and Lord of Man, in 45 Edward III., who directed that the provost should from that time be called mayor. The charter of William Monteacute was a deed indented, and the mayor, bailiffs and burgesses put their common seal to the other part of the indentures. It thus appears that the body composed of the mayor, bailiffs and burgesses, at that time possessed one at least of the insignia of a corporation.

Another confirmatory charter was granted by Thomas Monteacute, a succeeding Earl of Salisbury, and who was also Lord of Monthermer, dated the 12th Henry IV.; but no royal charter appears to have been granted before the reign of Henry VI., and it is remarkable that although letters patent issued, dated 18 February, 1 Elizabeth, reciting the above grants of William Longespee and of the Earls of Salisbury, they contain nothing beyond a mere inspeximus or exemplification of them.

King Henry the Sixth, by charter dated 8 July in the 11th year of his reign, established Poole as one of the King's ports, and a license was granted by assent of Parliament to the mayor and burgesses of Poole to fortify the town. The mayor was also by the same charter empowered to receive cognizances of the staple, and to exercise all other such franchises and liberties as the mayor of Southampton then had. This charter is recited in the governing charter, a copy of which accompanies this Report; and it may certainly be inferred, from the expressions employed in it, that Poole was at that period regarded as an incorporated town. Charters of Henry VI.

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The charter of 11 Henry VI. is set out and confirmed by one dated 20 January, 1 Edward IV., and the latter by one dated 20 June, 3 Henry VIII.

Another charter of Henry VI., which is dated 1 July, in the 31st year of his reign, and which also appears in the governing charter, granted to the mayor, bailiffs, burgesses and inhabitants of Poole a market and two fairs, with a court, to be held before the mayor and bailiffs, for all trespasses, contracts, &c. arising at the times of the fairs; this charter was also confirmed by the above-mentioned one of 3 Henry VIII.

Charter of Elizabeth.

The charter which has been mentioned as the principal governing charter is dated 23 June, 10 Elizabeth. By this charter Poole was created a county of itself distinct from the county of Dorset, within which it is locally situated, and was styled, "The County of the Town of Poole."

Charter of Charles II.

Two charters have been granted to the corporation subsequent to that of Elizabeth. The first, which was evidently intended to be a supplemental charter, is dated 20 November, 18 Car. II.; it recites that the town of Poole is a free and populous town, and a county of itself, and incorporated for a long time by the name of the mayor, bailiffs, burgesses and commonalty of the town of Poole, and confirms all former grants and liberties, &c. of former kings.

The principal provisions of this charter, which have been adopted in the modern practice of the corporation, are those which relate to the election of recorder and town clerk, the choice of whom was by the charter of Charles II. made subject to the approbation of the Crown, and continues to be so to this day. It also empowers the recorder to appoint a deputy, and this power has been since exercised, and is so exercised at the present time.

The mayor, recorder and four burgesses (to be elected according to the charter of Elizabeth) were constituted justices of the peace. It seems that in the last-mentioned charter no such officer as a recorder is expressly mentioned, but only a *person skilled in the law*. The power of fining those who may refuse to serve any office in the corporation, except those of recorder, town-clerk and serjeant-at-mace, and the power given to the mayor, bailiffs, burgesses and commonalty, or the greater part of them, to tax and assess the inhabitants of the town for general purposes, do not appear to have been put in practice.

This charter of Charles II. did not reserve to the Crown any right of removing the officers of the corporation; and all the privileges bestowed by it were annulled by certain proceedings in *Quo Warranto*, which were instituted by Sir Robert Sawyer, Attorney-General of the same monarch, and which were carried on to final judgment in Easter Term, 26th Charles II. There appears to have been also a further judgment of Ouster, in Trinity Term, 2d James II. on a *quo warranto* information exhibited by the same individual, who was also Attorney General to James. These judgments were of a general nature, destroying and annihilating the whole corporate body. Their effects were, however, prevented by the grant of a charter, dated 8th December, 4th Jac. II., which restored the corporation in every respect to the condition in which it existed before the return of the judgments, and in as full and ample a manner as if no information had ever been exhibited. The corporation has since that period been regulated by the provisions contained in the charter of Elizabeth, with the qualifications or additions which were introduced by the charter of Charles II.

Proceedings in *Quo Warranto*.

Charter of Restoration.

CORPORATE BODY.

Style, Constitution.

3. The style of the corporation is, "The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Poole." It consists of a mayor, two bailiffs, and an unlimited number of burgesses. The commonalty have no distinct character in this corporation, nor are any corporate functions vested in them by the charters.

Mayor.

The Mayor is chosen annually on Friday before St. Matthew's day, by the whole of the burgesses out of their own body; but this qualification is annexed to the character of the candidates and to that of the electors, that all must be resident. No non-resident burgess is eligible to the office of mayor, and no non-resident burgesses are permitted to vote at his election.

There existed at one time a practice for the mayor and aldermen to nominate three candidates, out of whom the burgesses elected one to be mayor. In 1810 this system of nomination was resisted, and the mayor, who had been elected under it, was ousted by judgment in *quo warranto*.

Since that time, and until very lately, the office of mayor was made attainable only upon having served certain other offices in the corporation, and a bye-law to that effect was passed in 1830. But in the succeeding year that bye-law was rescinded, and there is now no such rule or restriction as to the party who is to be chosen mayor.

The mayor takes the oath of office before the burgesses at the time of his election. If the mayor dies during his year of office, another is chosen in the same manner for the remainder of the year. Such an event occurred in Poole during the last year.

Bailiffs.

The two Bailiffs are elected by and from the burgesses at the same time and in the same manner as the mayor. The general practice (which has, however, been sometimes departed from) is, that the mayor going out of office should be senior bailiff for the next year. The other bailiff is called the water bailiff.

Burgesses.

The Burgesses are unlimited in number. They are chosen from time to time by the resident burgesses, the mayor and bailiffs being always present when they are elected. This right, if it be one, to form a select body of burgesses is not conferred by the charter of Elizabeth, nor indeed, as far as appears, by any other charter. It is a usage, however, which has so far been confirmed that the elective franchise has been adjudged to exist in the select

POOLE.

body of burgesses formed in this manner. Until lately no rule as to choosing resident inhabitants for burgesses has been observed. But in 1830 the choice of burgesses was confined to those who resided in the borough. On that occasion 92 burgesses were created, many of them minors of *all* ages. With regard to these latter it is understood that it is an honorary obligation on the corporate body to re-admit them when they attain their full age. In general the election of burgesses is an open election, there being no right or practice to nominate, either in any individual, or in any class of persons; but in 1830 it was agreed that each burgess should nominate two candidates, and these were as a matter of course elected.

Fees on admission.

Each burgess on his admission pays a fine to the general fund of the corporation. The amount of this fine is settled by the corporation at a meeting previous to the election; it has varied from time to time, but of late years has been usually 25*l.* The newly-admitted burgess also pays the following fees:—

	£.	s.	d.
To the Town Clerk - - - - - -	2	2	–
To his Clerk - - - - - - -	–	5	–
To each Serjeant-at-Mace, 10*s.* 6*d.* - - - -	1	1	–
£.	3	8	–

Residence.

Although Residence is not made a necessary qualification in a candidate for admission into the corporation, it is considered an indispensable requisite to the exercise of his corporate functions after being admitted. This has been already mentioned in speaking of the office of mayor, and it applies also to other cases. There is an instance in 1819 of a non-resident burgess, who came to Poole for the purpose of voting in a meeting of the corporation, and whose name was, by reason of his being a non-resident, erased by the mayor from the list of those who had voted, and a minute to that effect was made in the book.

In the case of the mayor and bailiffs, the rule of residence is generally with great strictness enforced. In 1829, and again in 1831, one of the bailiffs was removed on account of his being, in each case, resident out of the borough; and there are instances of other officers being removed for the same cause.

Officers.

4. The Officers of the corporation are, the Mayor, Recorder, Aldermen, senior Bailiff, four Justices, Sheriff, Town Clerk, Water Bailiff, two Coroners, two Constables of the Staple, Key Keepers, a High Constable and three other Constables, two Serjeants-at-Mace, Crier and Hayward.

There are also Corn Meters appointed by the corporation, a Treasurer who keeps the accounts of the quay and harbour-dues, and a Quay Harbour and Ballast-master who receives them.

Mayor.

The Mayor of Poole, who is also styled Mayor of the Staple, is a justice of the peace for the borough, one of the judges of the weekly court of record, clerk of the market, and admiral of the port. As clerk of the market he appoints a deputy, who is inspector of the market.

The mayor has no salary. The only incidental emoluments which he receives are, a bushel of corn from every foreign vessel bringing corn to the port, and a contribution of fish from all fishermen not belonging to the port, who bring fish for sale.

Recorder.

The Recorder is chosen for life by a majority of the resident burgesses, subject to the approbation of the Crown. The approval of the Crown is signified under the sign manual, countersigned by the Secretary of State for the Home Department. The practice has been to elect barristers to this office. The recorder himself is not usually resident. There is at the present time a deputy recorder who attends the sessions, but it is said to be an unusual thing to appoint a deputy. The recorder is one of the justices of the borough, and when present presides at the quarter sessions. He has no salary or other emolument.

Aldermen.

The body of Aldermen is composed of those members of the corporation who have served the office of mayor. They are mentioned in this place, because it does not appear that they constitute for any purpose an integral part of the corporation. The charter of Charles the Second directs that the six justices of the borough should take the oath of justice of the peace in the presence of the aldermen or of any two of them; and it is still the practice to administer the oath in their presence. They have also, conjointly with the mayor, the appointment of the two serjeants at mace. There are now 12 aldermen in the corporation.

Senior Bailiff.

The Senior Bailiff is a judge of the weekly court of record, and is usually elected one of the four justices of the peace.

Justices.

Besides the senior bailiff, three other burgesses are elected annually on the Friday before St. Matthew's day, which is called the Charter Day, and is the day for electing to all the annual offices of the corporation. They are elected in the same manner as the mayor. It is the practice for all the four justices to attend at the petty sessions, which are held at the same time and place as the weekly court, which will hereafter be mentioned. But the mayor usually takes upon himself the ordinary business of magistrate in the town.

Sheriff.

The Sheriff is elected annually in the same manner as the mayor. He has the exclusive execution of all writs and process within the town and county, except those issuing from the weekly court of record, and has in all respects the same power as the sheriff of a county at large.

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The sheriff has the usual fees of office, and receives also from the corporation the sum of twenty guineas for his quietus.

Town Clerk.

The Town Clerk is elected for life in the same manner as the recorder, and the choice of the corporation must be approved of in the same manner by the Crown. He is clerk of the peace, clerk to the magistrates, and prothonotary of the weekly court of record. He has a salary of 20*l.* a year from the corporation for attending their meetings and recording the proceedings which take place. He receives fees at sessions as clerk of the peace, upon nearly the same scale as that which is made use of in the county of Dorset. The fees are said to be in some respects less than those of the county at large. As magistrate's clerk he also takes, it is said, the same fees as the clerk of the magistrates in the county of Dorset; but it seems to be doubtful whether the fees in Poole are regulated by those in Dorsetshire. One instance was mentioned in which the difference is considerable; the fee for a summons in the county of Dorset being 1*s.*, that in the town and county of Poole being 2*s.*

The town clerk prepares the corporation leases, and is paid for them by the tenants.

Water Bailiff.

The second bailiff is, as I understand, called the Water Bailiff. He has the charge of the silver oar, and by himself or his officer attends with it in executing any process within the admiralty jurisdiction of the corporation. One guinea is the fee for the use of the silver oar; and in civil cases the expense of the boat is always charged to the plaintiff in the action. It is the business also of the water bailiff to superintend the oyster fishery and the other fisheries of the corporation.

Besides the fees for the use of the silver oar, he has a bushel of corn and a toll of fish, the same in each case as what is taken by the mayor.

Coroners.

Two Coroners are chosen annually from the burgesses on the charter day by the body there assembled. They have exclusive jurisdiction within the town and county of Poole. They receive the usual fees which belong to the office of coroner.

Constables of the Staple.

Two Constables of the Staple are chosen at the same time and by the same body. They have no duties, salary or emoluments.

Key Keepers.

The mayor and justices are annually elected Key Keepers and Overseers of the new almshouses; but no duties or emoluments are attached to either of these offices.

Constables.

Two Constables are chosen by the body on the charter day, and two other constables are appointed annually at the Easter sessions. One of the latter is called High Constable, and has a salary of 10*l.* a year from the corporation. They all receive the general fees which belong to the execution of their office.

Serjeants at Mace.

Two Serjeants at Mace are appointed by the mayor and aldermen, and continue in office during the pleasure of the same body. They are the bailiffs of the Weekly Court of Record, and execute the process of that court. They are the sheriff's officers for the town and county of Poole; and one or other of them acts as crier of the Court of Quarter Sessions. They receive a salary of 10*l.* a year each, besides their fees.

Crier.
Hayward.

The Crier, who has been generally, but not always, also Hayward, is appointed by the mayor, and receives one guinea a year from the corporation.

Corn Meters.

A certain number of Corn Meters, as many as may be thought necessary, are annually appointed by the corporate body. There are now four or five. They are paid by the merchants employing them, and not by the corporation; the rate of payment is a halfpenny per quarter imperial measure. It is understood to be compulsory to employ them.

Quay Treasurer.
Quay and Harbour Master.

Under a local Act, 29 Geo. III. the corporation are sole trustees for the management of the quay and harbour of Poole, and in that capacity appoint a Treasurer, and a Quay, Harbour and Ballast Master. The latter office was for some time divided into two, and there was a ballast master as well as a quay and harbour master; but there is now a single officer only appointed. His appointment is a permanent one. The treasurer is always one of the burgesses. The quay master collects all the dues, and after paying the labourers and the small expenses incurred on the quay and in the harbour, pays over the balance to the treasurer at the end of every month. The treasurer disburses all other outgoings, and makes up his account in June every year. The Act allows to these officers salaries not exceeding ten per cent. on the gross proceeds. Of this allowance the treasurer receives nothing; the whole is given to the quay master.

Courts.

5. The Courts held within the town and county of Poole are, a Court of Quarter Sessions, a Court of Record, a Court of Admiralty, the Monthly Court of the Sheriff, and the Sheriff's Tourn.

Quarter Sessions.

The Sessions are held four times a year before the mayor, recorder or his deputy, and the justices; either the mayor or recorder must be present. This court has exclusive jurisdiction over all cases arising in the town and county of Poole, and which if it were not a county of itself would be cognizable by the justices of the county of Dorset. Capital cases are thought to be triable at the sessions, and there is said to be an old instance of a murder having been tried before the mayor. At the present day it does not appear that any capital felonies are tried at the sessions. The number of felonies tried there in the course of the year are from six to eight, and the same is about the number of misdemeanors.

Court of Record.

A Court of Record is held before the mayor and senior bailiff on Thursday in every week, having unlimited jurisdiction in all causes, real, personal or mixed. The practice and proceedings

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ceedings in this court are analogous to those of the superior courts. The writ to bring in the defendant is tested by the mayor and senior bailiff, and is generally signed by the mayor under the seal of the corporation. It is returnable the next court day; bail is put in before the mayor; and it is the practice that the plaintiff should either declare immediately or ask for time to declare. The pleadings are filed in the prothonotary's office, and are entered short in a book which is kept there. Writs of inquiry are not directed to the sheriff, but are executed before the court.

There is no table of fees; their amount is regulated by what is understood to have been usual in former times. The costs are taxed by the prothonotary. In case of a judgment by default in debt, the costs are about 6*l.*, and this sum appears to be the *minimum* in any case of action carried to final judgment and execution. If the form of action were different, and it were necessary that a writ of inquiry should be executed, 3*l.* or 4*l.* would be added to the previous costs. The taxed costs in an ordinary action of assumpsit, which is tried, and in which counsel are employed on both sides, are from 26*l.* to 28*l.*

The number of writs issued in this court in the course of the year vary very much in different years. They are occasionally very few; in other years above fifty, and in some approaching to a hundred. Trials are not very frequent: two took place about three years ago, and two occurred a week before my visit to Poole. Indeed, the tribunal, constituted as it ordinarily must be, can hardly be deemed a competent one for the decision of important cases; and on the late occasion, it appears that the deputy recorder, a solicitor residing at Wareham, was called in to assist the Bench in the character of assessor.

Court of Admiralty.

The Court of Admiralty is now held at an interval of several years. The last was in 1827; the previous one in 1821. This court is held by the mayor as admiral, and a jury is impannelled, consisting usually of old ship-masters and pilots, who generally perambulate the bounds of the harbour, and ascertain the marks which limit the jurisdiction. Such a perambulation appears to have taken place in 1821. In 1827 the jury confined themselves to the presentment of nuisances and incroachments in the harbour. It is said that the court has admiralty jurisdiction for all purposes, but the records, which go back to the year 1550, do not afford the means of determining this question, nor indeed do they prove any thing beyond the continued existence of the court from that period to the present time.

County Court.

The sheriff holds his monthly County Court whenever it is necessary; and he also holds an annual court, called his tourn, at which a jury are impannelled to examine weights and measures in the town.

Juries.

The Juries summoned to the sessions, grand and petty, consist of 24 each. The town clerk makes out the lists for the sheriff, who summons them by the serjeants at mace. There is no such list made out for juries when wanted in the court of record; but the serjeants at mace usually select whom they please. In the two trials which have already been mentioned as of recent occurrence in that court, 24 jurors were summoned for each cause; and it was objected, though without success, that these lists were made out by the prothonotary, who was the partner of the plaintiff's attorney.

Gaol.

6. The Gaol is of good size compared with the extent of the local jurisdiction. It consists of six sleeping-rooms, and of one day-room appropriated to debtors. There is a house of correction attached to the gaol, consisting of a single room; and there is also a tread-mill. The sheriff has the charge of the gaol, but the gaoler is appointed by the justices in sessions. He is paid a salary of 30*l.* a year out of the county rate, and he receives also 40*s.* as keeper of the house of correction. The gaol is kept in repair out of the county rate.

Patronage.

7. The corporation present to the perpetual curacy of St. James in the town of Poole. The rectory is in the hands of the corporation, derived, by several mesne conveyances, from the Crown. King Charles the First, by letters patent, dated 9th May, in the ninth year of his reign, granted the rectory and church of Poole, together with all its rights, members and appurtenances in fee to Thomas Aston and Henry Harryman, in trust for the Countess of Anglesea, on condition that the grantees, their heirs and assigns, should from time to time provide a curate, preacher or person sufficient to say and celebrate Divine Service and the Sacraments in the same, and should pay such person a salary or stipend, and should repair the chancel of the church, &c. at their own cost. A deed, dated 30th May 1692, appears to be the instrument under which the corporation more immediately claim the benefit of this grant. It is there stated to be the intention of the parties that the issues and profits of the rectory and premises should be disposed of by the mayor, magistrates and burgesses of Poole to such public uses as they should think fit. In another part of the same instrument it is expressed, that the profits should go and be employed to and for the use of the town and county of Poole, in such way and manner as should seem fit to the mayor, magistrates and burgesses for the time being, or to the major part of them; and the mayor, magistrates and burgesses were to receive and take all the clear rents, issues and profits of the said rectory and church, and all other the premises, and dispose of the same at their will and pleasure.

A question has arisen, upon this instrument and others relating to the same subject, how far the corporation are entitled to apply the profits of the rectory either to their own general purposes or to any other object except that of supporting the curate, and the buildings which they are bound to repair. The principal part of these profits consists of the tithes of Parkstone and Longfleet, two tithings adjoining the town of Poole. There is also an allotment under an Inclosure Act held in the same right. The practice of the corporation has varied from time to time in its mode of dealing with this trust and the interests which arise under it. Until 1807, the tithe account, as it is called, was blended with the general corporate account,

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account. In that year a separate account was for the first time kept, and has been continued to the present day; and in the same year a resolution passed that the curate should have the surplus of the tithes. In February 1814 this resolution was rescinded, and the surplus was made applicable to the debts charged upon the fund. In November of that year it was determined that 200*l.* a year should be paid annually to the perpetual curate out of the produce of the tithes during the then existing leases. Those leases have expired, but the incumbent has continued to be paid on the same footing; and there is also an annual vote of 100*l.* to enable him to provide a curate.

The debt charged upon this fund amounted, in 1814, to 831*l.*, and the further sum of 500*l.* was afterwards taken up for carrying on a suit respecting the tithes. In 1826 the whole of this debt was paid off, and a debt was due to that account from the corporation, amounting to 469*l.* 5*s.* 1*d.* But, in 1827, the tithe account was remodelled by the auditors, whose duty it was to examine it, and a new statement of account was exhibited for several antecedent years, beginning from September 1818. The result of this new modification of the tithe account was, that instead of a debt due to it from the general fund, it was made a debtor to the general fund, and the amount of debt in September 1833 was 1,958*l.* 18*s.* 9*d.*

The debt was created under the following circumstances. In 1819 the sum of 1,000*l.* was subscribed by the corporation, as patrons of the living, for the purpose of building a new church in the parish of St. James; and the mayor was empowered to pay it out of the funds of the corporation. In 1820 the sum of 300*l.* was ordered to be paid by the mayor out of the revenues of the corporation towards the expenses of a set of bells for the church. These two sums were entered in the general account, and continued in it until 1827, when they were turned over to the tithe account; and the mode of making up the tithe account was as follows:—The auditors drew out the balance of account as it stood in September 1818, and charged 5*l.* per cent. interest on it for the current year. To this sum of principal and interest they added the sum of 1,000*l.*, which has been already mentioned, and the other outgoings, and in the next year charged interest upon the balance thus made up. By pursuing this method year after year, they brought up the debt to its present amount.

The produce of the tithe estate, of late years, has been as follows:

	£.	s.	d.
Rent of tithes	300	–	–
Allotment in lease	39	12	6
£.	339	12	6

The annual payment out of the tithes are,—

To the incumbent—			
For himself £. 200			
For a curate 100	300	–	–
To the trustees of St. Margaret's Hospital, near Wimbourne	9	16	–
To Trinity College, Oxford	2	–	–
To the churchwardens of Wimbourne, for keeping Ettrick's tomb in repair	1	–	–
£.	312	16	–

POLICE.

8. The town of Poole is watched and lighted under the provisions of a local Act passed in 29 Geo. II. intituled, "An Act for better ascertaining, recovering and collecting certain duties payable upon the importation and exportation of goods and merchandizes into or out of the harbour of the town and county of Poole, &c. &c. and for establishing and regulating the nightly watch and enlightening the streets in the said town."

There are five watchmen appointed under this Act. The commissioners who carry this part of the Act into execution are eleven of the principal inhabitants chosen yearly at the Easter vestry, together with the mayor and justices for the time being. The rate for watching and lighting is not to exceed one shilling in the pound in the course of the year. The amount of the rate assessed in the year is rather above 600*l.*, but of this not more than 420*l.* or 430*l.* are ever collected.

REVENUE.

9. The income of the corporation is derived from the rents of houses and lands; the profits of markets and fairs; fines on the admission of burgesses; and the interest of money lent.

Houses and Lands.

A considerable part of the property in Houses and Lands belonging to the corporation is let upon long terms of years. There are six leases of 1,000 or 999 years, the oldest of which commenced in 1724; the rents reserved upon them amount to 20*l.* 11*s.* Two leases of 199 years, one beginning to run in 1764, the other in 1767, produce a rent of 8*l.* 10*s.* a year. There are 12 for 99 years, renewable for ever, the earliest of them in 1789; reserved rents, 36*l.* 8*s.* 6½*d.* Four for 99 and one for 88 years, the earliest in 1777, the latest in 1832; rents, 9*l.* Four for 99 years, determinable on three lives, two of them renewable for ever; rents, 10*l.* 5*s.* Of the remaining leases, one is for 31 years, rent 5*l.*; seven for 21 years, rents 231*l.* 2*s.* 6*d.* One for 14 years, rent 15*l.*; nine for seven years, rents 211*l.*

The above rents include the tithe allotment, 39*l.* 12*s.* 6*d.*, but not the tithes themselves. Their total amount, deducting the rent of the tithe allotment, is 552*l.* 4*s.* 6½*d.*

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The fines on renewal of leases have been so trifling that they hardly deserve to be taken into the account in computing the average income of the corporation.

Markets and Fairs.

The whole of the profits of the Markets and Fairs, except the fish market, have been let by auction for 250 *l.* a year; the fish market is let separately at 5 *l.* a year.

Fines on admission of Burgesses.

A large revenue has arisen in times past from the Fines paid for admission into the corporation. In 1830, 92 burgesses were made, many of them minors of all ages; a fine of 25 *l.* was paid by each individual. The whole of this fund was expended in the years 1830, 1831 and 1832, in the improvement of the town. This source of income is not likely to be very productive in future.

Interest of money.

A sum of 300 *l.* was lent some years ago by the corporation to the scavengers, and a payment of 15 *l.* as interest on this loan is annually made to the corporate fund by the surveyors of the highways.

Expenditure.

The above income is received by the mayor, and by him applied to the following purposes: salary of an organist, salaries and expenses of officers, town clerk's bill, entertainments, interest of debt, works, repairs and improvements, the sheriff's quietus, and other miscellaneous matters. The salary to the organist is a perpetual charge upon the corporation, a sum of money which is now sunk in the general corporate fund having been given for the purpose.

Debt.

The total debt of the corporation is 3,531 *l.*; namely,—

£. 1,400 borrowed from the quay fund, at 4 per cent.
831 charged on the tithes - - at 5 „
1,300 in three mortgages - - - at 5 „

The total amount of yearly interest is 162 *l.* 11 *s.*

Receipts and Disbursements.

In the accounts of the corporation the Receipts and Disbursements on account of charities are so mixed up with the general fund, that it would not be an easy matter to separate them; they are therefore given in the following summary of accounts for three years:—

Year ending September 1831.

Receipts	£.	s.	d.
Balance of former Account -	2,153	–	9
On account of Charities - -	110	17	4
Tithes - - - - - -	322	6	3
Sir John Lester's bequest for evening lecture - - - -	77	–	–
Fines for admission of Burgesses	50	–	–
Rents of land and houses - -	488	5	1¼
Markets and fairs - - -	250	–	–
£.	3,451	9	5¾

Expenditure:	£.	s.	d.
Charities - - - -	156	18	–½
Tithes - - - - -	316	16	–
Evening lecture - - -	77	–	–
Organist - - - -	21	1	–
Salaries, &c. - - - -	56	6	–
Clothes for serjeants at mace, &c.	60	18	–
Town clerk's bill - - -	106	–	1
Entertainments - - -	123	7	11½
Interest on debt - - -	126	11	–
Annuities - - - -	15	–	–
Insurance and Land Tax - -	6	12	–
Works and repairs - - -	435	17	9½
Purchases, &c. for improvement of the town - - -	1,868	6	10
Sheriff's quietus, 2 years - -	42	–	–
Stationery and sundries - -	25	6	9
Balance in hand (stated at 13 *l.* 7 *s.* 9¼ *d.*, but ought to be)	13	8	–¼
£.	3,451	9	5¾

Year ending September 1832.

Receipts:	£.	s.	d.
Balance of former Account -	13	7	9
Charities - - - - -	98	9	4
Tithes - - - - - -	337	12	6
Sir John Lester's bequest - -	77	–	–
Land sold - - - -	700	–	–
Rents of lands and houses - -	518	19	5¾
Markets, fairs and fish market -	255	–	–
Interest from surveyors of highways - - - -	15	–	–
£.	2,015	9	–¾

Expenditure:	£.	s.	d.
Charities - - - -	91	17	–
Tithes - - - - -	303	–	–
Evening lecture - - -	77	–	–
Organist - - - -	21	1	–
Salaries of officers - - -	68	11	9
Town clerk's bill - - -	70	9	3
Entertainments - - -	173	8	8
Interest on debt - - -	198	11	–
Works, repairs and improvements	667	14	10
Purchase of butter market - -	168	10	4
Sheriff's quietus, 2 years - -	42	–	–
Sundries - - - - -	12	–	7
Balance in hand - - -	121	4	7¾
£.	2,015	9	–¾

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Year ending September 1833.

Receipts:	£.	s.	d.
Balance of former Account	121	4	8
On account of charities	118	9	4
Tithes	309	–	–
Sir John Lester's bequest	77	–	–
Rents of lands and houses	487	14	6
Markets and fairs	255	–	–
Interest from surveyors of high-ways	15	–	–
Sundry small receipts	6	2	6
£.	1,389	11	–

Expenditure:	£.	s.	d.
Charities	94	12	7
Tithes	314	12	9
Evening lecture	77	–	–
Organist	21	1	–
Salaries, &c.	50	4	9
Clothes for serjeants at mace, &c.	39	6	6
Town clerk's bill	83	–	–
Entertainments	201	6	4
Interest on debt	159	17	6
Annuities	10	–	–
Insurance and Land Tax	5	12	3
Works, repairs and improvements	122	9	2
Sheriff's quietus	42	–	–
Stationery and sundries	26	5	10
Balance in hand	142	2	4
£.	1,389	11	–

Future Income.

Probable future Income.

	£.	s.	d.
Rents of houses and lands	552	–	–
Profits of markets and fairs	255	–	–
£.	807	–	–

Quay and Harbour Account.

By the Act which has been already mentioned, passed in the 29th year of George the Second, three classes of harbour duties are payable to the corporation for the repair of the harbour, quays and wharfs: first, certain duties upon all goods imported or exported, with some exceptions mentioned in the schedule; secondly, a duty called boomage; and thirdly, certain dues for shipping or unshipping ballast.

The following is a summary of the receipts and disbursements on the Harbour Account for the three last years:—

Year ending June 1831.

Receipts:	£.	s.	d.
Balance of former Account	835	4	8
Import and export duties Boomage and ballast dues	1,175	7	5½
Interest	45	–	–
£.	2,055	12	1½

Expenditure:	£.	s.	d.
Disbursements by quay master	663	17	4½
Sundries paid by treasurer	471	11	8
Exchequer bills bought	518	19	1
Balance in hand	401	4	–
£.	2,055	12	1½

Year ending June 1832.

Receipts:	£.	s.	d.
Balance of former Account	401	4	–
Import and export duties, boom-age, &c.	1,254	5	9½
Exchequer bills profit	7	13	9
£.	1,663	3	6½

Expenditure:	£.	s.	d.
Disbursements by quay master	585	11	1½
Sundries paid by treasurer	207	9	11
Exchequer bills	407	8	3
Balance in hand	462	14	3
£.	1,663	3	6½

Year ending June 1833.

Receipts:	£.	s.	d.
Balance of former Account	462	14	3
Import and export duties, boom-age, &c.	1,313	7	3
Exchequer bills sold	917	2	1
Stock sold	302	7	6
Dividends and interest	124	16	9
£.	3,120	7	10

Expenditure:	£.	s.	d.
Disbursements by quay master	650	9	8
Sundries paid by treasurer	183	14	9
Loan to the Corporation	500	–	–
Amount, 3½ per cent. bought	1,602	17	7
Balance in hand (stated as 183*l.* 15*s.* 10*d.*, but should be)	183	5	10
£.	3,120	7	10

State

State of Quay Funds in January 1834.

	£.	s.	d.
To amount due from the Corporation	1,400	–	–
Ditto in 3½ per cents	1,290	–	–
Balance of last Account	183	5	10
Invested since last Account	215	–	–
	£. 3,088	5	10

Accounts.

The Accounts of the general fund are kept by the mayor, and are made up to September. The receipts and expenditure are accounted for to the corporation at large yearly at a special meeting convened for the express purpose of auditing the mayor's accounts.

The harbour accounts are passed annually by the mayor, bailiffs and burgesses, on the first Tuesday after the 24th June.

STATE OF THE TOWN.

10. The Newfoundland trade, formerly the principal one carried on by the merchants of Poole, has very much declined of late years. Other branches of trade, particularly the coasting trade, have experienced a corresponding increase, and must now be considered in a flourishing condition, notwithstanding that the returns of the last three years do not exhibit a progressive improvement within that period of time. A considerable branch of trade arises from the shipment of the clay found in the Isle of Purbeck, for the use of the potteries in Staffordshire and in other places. A return of the number of tons shipped in each of the three last years is subjoined to the statement of the shipping, and the same return also includes the number of bonded warehouses.

A STATEMENT, showing the number of vessels which have entered inwards and cleared outwards in the last three years with cargoes, and also the number of vessels which have arrived or sailed in ballast in the same period:—

YEARS:	FOREIGN PARTS.				COASTWISE.			
	With Cargoes.		In Ballast.		With Cargoes.		In Ballast.	
	Number of Vessels Inwards.	Number of Vessels Outwards.	Number of Vessels Inwards.	Number of Vessels Outwards.	Number of Vessels Inwards.	Number of Vessels Outwards.	Number of Vessels Inwards.	Number of Vessels Outwards.
1831	105	126	17	51	557	1,499	377	83
1832	92	97	29	39	594	1,526	341	102
1833	99	110	13	46	620	1,431	318	98

A STATEMENT, showing the number of vessels belonging to the port of Poole, the number of colliers inwards, the number of bonded warehouses, and of vessels laden with clay outwards, together with the quantity of clay shipped, in each of the three last years:—

YEARS:	Number of Registered Vessels belonging to the Port.	Number of Colliers Inwards.	Number of Bonded Warehouses.	Number of Vessels laden with Clay Outwards.	Number of Tons of Clay Shipped.
1831	164	109	17	277	30,485
1832	160	141	17	265	29,085
1833	158	124	18	241	25,140

Local Taxation.

The pressure of Local Taxation in the town and county of Poole is a subject of great complaint with the inhabitants.

Poor Rate.

The amount raised in the course of the year for the support of the Poor appears upon an average of the three last years to be nearly 3,700 *l.* a year: to this must be added 260 *l.* a year, the sum required for the county rate.

The assessment is 3 *s.* in the pound upon lands, tenements, &c.; 7 *s.* 6 *d.* on every 100 *l.* stock in trade, exports and imports; and 3¾ *d.* per ton upon ships of 30 tons register and upwards. It thus appears that the poor-rate is in Poole to a considerable extent a tax upon trade; and its pressure in this respect is the greater from the number of houses and tenements which evade the payment of the rate. Out of 1,300 houses assessed, it is said that 700 or 800 are ordinarily excused on account of the poverty of the occupiers, and in the last

POOLE.

last year, upon the July rate, amounting to 1,980*l.* 9*s.* 2*d.* the sum of 1,298*l.* 18*s.* only has been already collected, and there is no probability of collecting more than 20*l.* of what remains.

The value of the lands and houses on which the assessment is made is something between two-thirds and three-fourths of the real annual value. Taking it to be upon two-thirds, three rates during the year would effect a charge of 9*s.* in the pound on the rateable value, or 6*s.* in the pound on the real value. On stock in trade, exports and imports, the rate levied during the year is 1*l.* 2*s.* 6*d.* on every 100*l.* of visible property. On ships it is 11¼*d.* per ton.

Church Rate.

A Church Rate of 1*s.* in the pound for the current expenses of the church, and of 1*s.* 6*d.* in the pound to pay off the principal and interest of a debt, is also raised during the year. Stock in trade, exports and imports are charged proportionably in this rate.

Watch Rate.

The Watch Rate has been already mentioned. In this also stock in trade, exports, imports and ships are charged.

Scavenger's Rate.

In addition to the above, there is a Scavenger's Rate, amounting to about 350*l.* a year.

Extension of Jurisdiction.

It would probably be for the public convenience that the whole of the town, its suburbs and outskirts, should be under the jurisdiction of the corporate magistrates, at least for the purposes of criminal justice. But as the populous districts adjoining the town and county of Poole are only parts of different parishes or parochial divisions, it might be inconvenient to detach them from the remaining parts of the parishes to which they belong. In any addition, therefore, which is made to the jurisdiction of the borough justices, it would be better to comprise within it either entire parishes or entire subdivisions of parishes; and a greater number of competent persons would in my opinion be found for serving the different offices of the corporation, if those elected into them were permitted to reside within a reasonable distance from the town, instead of being compelled, as at present, to live within the limits of the old borough.

Edw^d J. Gambier.

The following Documents accompany this Report:—

A Copy of the Governing Charter;
Clauses of a Local Act, 29 Geo. II.;
Bill of Costs in Court of Record;
Accounts of Overseers of the Poor;
Accounts of Guardians of the Poor.

REPORT

ON

THE BOROUGH OF ROMSEY,

(HAMPSHIRE.)

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BOROUGH OF ROMSEY.

THE Limits of the borough are co-extensive with the town and parish of Romsey *infra*. Limits.

There are two Charters, one granted 5 James I., and a second 10 W. 3. Charters.
The charter of William incorporates the mayor, burgesses and inhabitants, and increases the number of justices of the peace.

The Legal Style of the corporation is "The Mayor, Aldermen and Burgesses of the town of Romsey *infra*, in the county of Southampton." Legal Style.

The Bodies composing the corporation are a mayor, six aldermen and twelve capital burgesses. Bodies composing the Corporation.

By the charter it is directed, that the mayor, aldermen and burgesses, or the major part of them, shall, yearly, on the feast day of Saint Matthew the Apostle, choose and name one of the burgesses to be Mayor of the said town, from Monday which first and next shall come to pass after the feast of Saint Michael the Archangel, for one whole year thence next following. In practice the aldermen on Friday before St. Matthew's day, nominate two of their own body; one of the persons so nominated must be elected by a majority of the aldermen and capital burgesses present: the presence of the mayor is indispensable. The mayor has been frequently elected by a small number of the members of the corporation, frequently by seven persons, and on one occasion by only five. The mayor is chosen by ballot; coloured balls being given to the members of the corporation, who deposit them in a box, and the person who has the majority of balls is elected. The mayor is a justice of the peace; he is a judge of the court of record; he presides at the quarter sessions; he is clerk of the market, and he is a justice of the peace for the year next following his year of office. He has neither salary nor emoluments from the corporation, but he is entitled to 10*l.* per annum, bequeathed by John Kent to the mayor of Romsey out of an estate called Pollards Moor, in the parish of Elling, which sum, however, he does not take. The mayor.
The mode of electing the mayor from the aldermen only, and not by the burgesses, as directed by charter, is settled by a bye-law bearing date the 21st day of September 1742. The present mayor is Isaac Purchase, Esq., aged 40.

The charter directs that after the death or removal of an alderman or capital burgess, it shall be lawful for the mayor and the residue of the aldermen and capital burgesses of the town aforesaid then surviving, or the major part of them, to choose, name and put in one other or more of the burgesses of the town aforesaid, in the place or places of such alderman or capital burgess so happening to die or to be removed from his office. The practice, under a bye-law of the same date as that for regulating the election of mayor, is to elect the aldermen from the capital burgesses only; the aldermen are elected for life, but may be removed for reasonable cause. The three senior aldermen are justices of the peace. All the aldermen are judges of the court of record. They all reside within the town. Aldermen.

Name.	Profession.	Age.	Date of Election.
William Charles Daman	Attorney-at-Law	69	3 Oct. 1796.
Thomas Coleman	Gentleman	69	21 Sept. 1802.
John Young	Gentleman	64	2 May 1806.
Benjamin Sharp	Draper	71	3 March 1809.
Charles John Hall	Brewer	52	4 June 1812.
James Aldridge	Gentleman	55	22 Jan. 1813.

The Capital Burgesses are elected in the same manner as the mayor and aldermen; they are elected from the burgesses and inhabitants of the town; they are elected for life, but may be removed for reasonable cause by the mayor and common council. Capital Burgesses.

Name.	Profession.	Age.	Date of Election.
Samuel Sharp	Gentleman	69	3 March 1809.
Moses Pepper	Draper	51	20 June 1817.
James Judd	Miller	53	18 March 1819.
Richard Sweeper	Goldsmith	57	4 August 1820.
Henry Hall	Brewer	41	4 August 1820.
John Reynolds Beddome	Surgeon	47	7 Nov. 1828.
Josiah George	Merchant	49	11 March 1831.
Henry Porter Curtis	Attorney-at-Law	36	15 March 1831.
Thomas Hall	Brewer	26	3 Oct. 1832.
George Sharp	Timber Merchant	31	3 Oct. 1832.

ROMSEY.

All the capital burgesses reside within the borough. Messrs. Sharp are related to each other, and Messrs. Hall are also related.

Common Council. Bye-laws.

The mayor, aldermen and capital burgesses form the Common Council of the borough. They have power under the charter to make Bye-laws, which power they have exercised. The bye-laws chiefly relate to the regulation of the trade of the town, to the conduct of the officers and members of the corporation, and to the mode of electing the mayor, aldermen and capital burgesses. The bye-laws have not been allowed by the judges.

Referring to the words of the charter touching the election of mayor and aldermen, it would appear that the bye-law limiting the election of persons to those offices is repugnant and bad.

Officers of the Corporation.

The Officers of the corporation are the Lord High Steward, the Recorder, the Town Clerk and two Serjeants at Mace.

Lord High Steward.

The Lord High Steward is elected by the common council. The office is merely honorary. The present lord high steward is the Right honourable Viscount Palmerston, of Broadlands, in the parish of Romsey, aged 49.

Recorder.

The Recorder is elected by ballot by the common council; he is elected for life; he has power to appoint a deputy: he is a judge of the court of record; he presides at the quarter sessions; he does not reside in Romsey, but he attends the quarter sessions when there are any but very trifling cases for trial. The present recorder is John Wastie, late John Ingram Lockhart, Esq., barrister-at-law: he resides at Sherfield House, near Romsey. At present there is no deputy recorder.

Town Clerk.

The Town Clerk is appointed by the common council during pleasure; he is clerk to the magistrates, solicitor to the corporation, and prothonotary of the court of record; he has no salary; his emoluments do not exceed 30 *l.* per annum.

Serjeants at Mace.

There are two Serjeants at Mace, who are appointed by the common council: they serve process of the civil court; they are sworn to act as peace officers. One of them acts as town crier, the other as gaoler; the latter has a house rent free. They are paid by the fees which they receive as constables, and they have each 1 *l.* 1 *s.* on the swearing in of a new mayor.

Justices of the Peace.

The Justices of the Peace are the mayor, the mayor of the preceding year, the recorder and two senior aldermen. The jurisdiction is not exclusive.

Court of Record.

The charter grants a Court of Record to be held every Thursday before the mayor, the recorder or his deputy, and the aldermen, or any two of them, of whom the mayor must be one. The court has power to try all actions personal or mixed, so that the same do not exceed the sum of debt, damage or value of forty pounds. The practice is assimilated to that of the superior courts. Within the last three years five actions have been commenced, but there has been no trial in modern times; actions are always settled or removed. The decay of the court is attributed to the facilities afforded for the removal of causes in every stage of the proceedings. The costs of a judgment by default in this court would be about 3 *l.*, after trial it would be 8 *l.* to 10 *l.*

Sessions of the Peace.

Sessions of the Peace are held quarterly before the mayor, recorder, the justices and two senior aldermen. Power is given to try all offences not touching life or member. During the last years, 1830, 1831 and 1832, thirty-four persons were committed for felony: twenty-four of whom were convicted, nine were acquitted, and no bill was found against one of those committed; seven were sentenced to transportation. The expenses of the prosecutions which were allowed in every case amounted to 177 *l.* 14 *s.* During the same years there were no trials for misdemeanors, except one common assault. During the same period one appeal was entered and heard: the costs of an appeal allowed by the court is 40 *s.*

Petty Sessions.

The Petty Sessions are held once a week, and oftener if requisite.

Court of Pie Poudre.

There is a grant of a Court of Pie Poudre in the charter, but the court is never held.

Juries.

Both Grand and Petty Juries are chosen by the clerk of the peace; they are selected from the inhabitants of the borough. Members of the corporation do not serve on juries. The foreman of the grand jury is selected by the mayor. The juries are said to be very respectable and intelligent.

Police.

The Police force consists of two serjeants-at-mace, two constables, and three tything-men. The town is divided into three tythings. The police of the borough is well regulated; but from the peculiar situation of the borough, with regard to the parish and to the jurisdiction, which will be noticed separately at a subequent period of this report, the police is not sufficiently numerous to afford adequate protection to the inhabitants.

ROMSEY

The Gaol at Romsey is a modern building; it contains two apartments, with fire-places; the rooms are boarded, and in one of them the window is glazed: a yard is attached to the gaol. Formerly, prisoners were confined here for considerable periods, but for the last seven years no person has been confined in the borough gaol for more than a week. Prisoners are committed to the county gaol. Gaol.

The corporation do not possess any Ecclesiastical Patronage. Ecclesiastical Patronage.

The corporation levy Fines upon members of their own body, as well as upon the inhabitants who refuse to take offices assigned to them. The fine levied on an inhabitant, for not taking the office of capital burgess, is 25 *l.*; and the same sum is taken as a fine from capital burgesses who refuse to take offices in the corporation to which they may be elected. The fine upon a capital burgess for refusing to take the office of mayor or alderman has been levied five times during the last five years. Fines.

The mayor pays a fee of 21 *s.* to each of the serjeants-at-mace on being elected to his office. A capital burgess pays 4 *l.* 4 *s.* on admission to the town-clerk, which amount includes 3 *l.* 3 *s.* for stamp and parchment, and 10 *s.* 6 *d.* to the serjeants-at-mace. Fees.

The Revenues of the corporation are derived from— Revenues.

	£.	s.	d.
The rent of Townlands	62	19	9
Moiety of Street Mead	2	17	6
Rent Pollard's Moor	10	–	–
Rent of Trew's House	13	–	–
Rent of Sumott's House	5	–	–
Tolls of the Easter Fair	4	4	–
£.	98	1	3

Expenditure.

	£.	s.	d.
Land-tax and Repairs	10	–	–
Interest on Debt	35	–	–
Maintenance and Conveyance of Prisoners	10	–	–
Constables	10	–	–
Serjeants-at-Mace and Ringers	4	4	–
Insurance on Life of Mortgagee	22	–	–
£.	91	4	–

The Townlands, Pollard's Moor and Street Mead were granted to the corporation by the individuals named in the Report of the Charity Commissioners, under the wills and in the proportions mentioned and fully set forth there. Trew's House and Sumott's House are part of the property purchased for building the new town-hall, which they adjoin.

The Debt of the corporation amounts to 1,300 *l.*: 700 *l.* is owing on mortgage of property purchased by the corporation, with 237 *l.* 3 *s.* for interest thereon. There is also a balance due on the purchase of 200 *l.* and floating debts, amounting to about 200 *l.* Within the last 10 or 12 years, the corporation have expended 1,400 *l.* on the building of a new gaol and town-hall. The debt has been incurred by this expenditure. The corporation have insured the life of the mortgagee in the sum of 400 *l.* Debt.

The corporation are trustees for several Charities, the whole of which appear to be well managed. Though the accounts are blended with those of the corporation, instead of being kept, if not in a separate book, at least in separate accounts. In the year 1691, from an account delivered by the outgoing to the in-coming mayor, it appears the corporation held the sum of 70 *l.* 13 *s.* 4 *d.*, the amount of various benefactions for charitable purposes. The series of accounts from 1691 to 1721 are missing, and the money was either lost or applied to the general purposes of the corporation, between the years above-named; for in the accounts of 1722, no reference is made to any benefactions. Charities.

The Accounts of the corporation are audited, with vouchers, annually, by members of the common council; they are read to the common council, but they are not published. Accounts.

The lands out of which the corporate revenues proceed, are let by public auction, after notice given. The term of Leases granted is 14 years, though one lease, for a small plot of land, was granted for 21 years. Leases.

The borough is increasing in population, but the trade is decreasing. Formerly, many extensive manufactories of paper and other articles was carried on at Romsey, where there is abundant and excellent water-power; but the introduction and improvement, in the application of the steam engine to manufactures, has, by changing the seat of them, greatly diminished the trade of Romsey. State and Prospects

ROMSEY.

Jurisdiction.

Romsey consists of the in and out parishes; Romsey *infra* being the corporate town, and Romsey *extra* being out of the corporate Jurisdiction. The parish of Romsey *infra* (the corporate town) contained in July 1831 a population of 2,046. Romsey *extra*, at the same time, contained a population of 3,386. Romsey *extra* has neither a resident magistrate nor a well-organized police. Offenders in the corporate town have been enabled frequently to elude justice, and sometimes altogether to escape from it, by flying beyond the jurisdiction of the corporate magistrates. The parishes adjoin each other; and it was represented by the learned recorder, that the peace of the parishes would be more effectually protected, and the administration of justice would be better secured, if the jurisdiction of the corporation were extended over both parishes.

Remarks.

The affairs of the borough appear to have been extremely well managed, and the conduct of the corporation in the administration of justice has given satisfaction to the inhabitants. Some of the inhabitants contend that, under the charter, they are eligible for the office of mayor or alderman without being previously elected capital burgesses; and it was stated, the inhabitants were anxious to elect the members of the common council, leaving the common council to choose the mayor. This desire, on the part of the inhabitants, seemed, in the opinion of some of the authorities, to be reasonable.

Statistical Details.

1. English Statute Acres:—

Romsey Extra - - - 8,930. Romsey Infra - - - 380.

2. Population:—

	Extra.	Infra.
1801	2,489	1,785.
1811	2,616	1,681.
1821	3,118	2,010.
1831	1,710 Males.	964 Males.
	1,676 Females.	1,082 Females.
	3,386 Total.	2,046 Total.

Occupations; viz.:—

	Extra.	Infra.
Families employed in Agriculture	270.	33.
Ditto - - Trade, Manufactures, &c.	285.	305.
Ditto - - not comprised in above classes	207.	127.

3. Annual Value of Real Property, 1815:—

Extra - - - £. 2,140. Infra - - - £. 4,430.

4. Assessed Taxes:—(No Document to show this.)

5. Parochial Assessment, for years ending 25th March:—

	Extra. £.	s.	d.	Infra. £.	s.	d.
1825	2,618	12	–	994	6	–
1829	2,791	5	–	1,123	2	–

6 Number of Houses in 1831:—

Extra - - - 703. Infra - - - 442.

(No Document to show particulars of Rental.)

1, 2, 3. 6. Population Returns, 1831.

5. Parl. Paper, 1830, N° 83.

Documents sent herewith.

I send herewith a Copy of the Charter of William III.; a Copy of the Bye-laws of the Corporation; and a Table of the Fees payable to the Town-clerk and Clerk of the Peace at the Sessions.

Edward Rushton.

REPORT

ON

THE CORPORATION OF SALISBURY,

(WILTSHIRE.)

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CORPORATION OF SALISBURY.

LIMITS.

Extent of the City.

1. THE City of Salisbury, to which the jurisdiction of the corporation is confined, contains the entire parishes of St. Thomas and St. Edmund, and all but a small portion of the parish of St. Martin. The part of the latter parish, which is beyond the city boundary, consists of the church, the church-yard, and a small part of a district denominated Milford. With respect to this part of Milford, a doubt existed whether it formed part of the parish of St. Martin; and in the years 1827 and 1828, a suit was depending in which the question at issue was whether part of that district was liable to contribute to a church-rate for St. Martin's. On that occasion the jury found that a part of Milford, the boundary of which was to the jury unknown, was part and parcel of the parish of St. Martin. The terms of this verdict render it still a matter of doubt how much of Milford is within the parish of St. Martin, and consequently how much of St. Martin is out of the city. But there seems to be little doubt that the church and church-yard of St. Martin and the whole of Milford, are in fact beyond the city boundary; for the line which is taken by the old city ditch, and which is perhaps the best and safest criterion, unquestionably excludes them all.

Suburbs.

On the Milford side of the city, not more than ten houses of what may be considered as town or suburb, are without the boundary. Beyond Fisherton bridge, on the road to Wilton, there are houses in the parish of Fisherton Anger for a quarter of a mile on each side of the way; and this portion of the town is separated from the remainder only by the bridge, which has been just mentioned. There is also a considerable suburb on the Harnham side of the river, but it is cut off from the city by the intervention of the liberty of the close; and the whole of it has been taken into the New Borough of Wilton.

Additions by the Boundary Act.

The borough of Sarum, formed by the Boundary Act, comprises (in addition to the city), the liberty of the close, part of the parish of Milford, and part of the parish of Fisherton Anger.

HISTORY.

2. The city of Salisbury appears to have had no existence prior to the reign of Henry III. In the early part of that Monarch's reign, the Bishop and all the other Ecclesiastics, removed from Old Sarum, and established themselves in the spot where the close and city of New Sarum now stand. A Charter, dated 30th January, 11 H. III., recites this removal of the worship of the Blessed Virgin Mary from the castle of Saresberie to a lower place, the King's ratification of it, and his laying the first stone of the foundation of her church. It then grants and confirms to the bishop and his successors, and to the canons of the same church, and to all his men, all the liberties and free customs which they had in the times of his predecessors.

Charter of Hen. III.

It grants also that the place which is called *Nova Saresberia*, shall be a free city for ever, "*clausa fossatis sicut inferius notatum est*;" and that the citizens of the same city there abiding, shall be free from toll, pontage, &c., and every other custom throughout the land, for all their property which they may cause to be conveyed by land or by water.

It grants that the said citizens shall have for ever throughout the land all other liberties and exemptions (*quietantias*) which the citizens of Winchester possessed.

It grants to the bishop and his successors, that they may inclose the city *fossatis competentibus*, for fear of robbers, and may hold it for ever as their own demesne, saving to the Crown the advowson of the see, &c.

It grants to the bishop and his successors, that *pro necessitatibus suis et ecclesiæ suæ*, they may take a tallage or reasonable aid from their aforesaid citizens, whenever the King made a tallage in his own demesnes.

It grants to the bishop and his successors a fair; and a weekly market on Tuesday.

All the above liberties are granted to the bishop and his successors, to the canons and citizens aforesaid, saving the liberties of the city of London.

Charte of Edw. I.

A Charter, dated 12th June, 13 Edw. I., contains an Inspeximus of the preceding charter of Henry III., and a confirmation of the liberties and exemptions there granted, "sicut iidem Episcopus et canonici et predecessores sui, ac etiam præfati cives et *eorum antecessores* libertatibus et quietantiis illis hucusque juste et rationabiliter usi sunt."

The corporation have among their muniments a scroll of parchment of great length, containing copies of several charters relating to the rights of the citizens and those of the bishop and canons.

Grants by Bishops of Sarum.

The first in the number is headed with these words: "The Deed of Robert the Bishop for the Citizens of the City of New Sarum." It recites the grant of King Henry, the great grandfather of the then King, that the place of New Sarum should be a free city, inclosed with ditches, and that the then King had confirmed the aforesaid grant; and had furthermore granted that they might shut in the city with a wall with competent turrets and battlements; and it confirms to his mayors and his free citizens, and to the commonalty of the city, and

SALISBURY.

to their heirs and successors for ever, that they may shut in the city with ditches, and fortify it with four gates. This document bears date the 17th June 1367, and in the 11 Edw. III.

The next in the scroll is the deed of Richard, by the permission of God, a humble minister of the church of Sarum, who, with the assent of the dean and chapter gave, granted and confirmed to his free citizens of Sarum, and their heirs, power to sell or let the free tenements they held of the bishop (his bailiff being present) to whom they would, except to churches or religious persons. "This was done in the eighth year of our priesthood, the kalends of April." A copy of this charter was printed in a description of the church of Salisbury, published in 1774. It is there stated that the original is in the possession of the church of Salisbury; that it was granted in 1225 in 9 H. III., and that the grantor was Richard Poore, then bishop of Salisbury, who was removed the same year to Durham. The confirmation by the dean and chapter of this deed and of the former one, is dated the 2d of the kalends of October 1376.

Charter of 12 Edw. IV.

In the same scroll is a royal charter dated 5th December, 12 Edw. IV., which recites that the city of Salisbury is the free city of the bishop; that the mayor and other officers, chosen by the citizens as the officers of the bishop and city, should be of right presented to the bishop's steward, and should by him be sworn; that this had been resisted by the citizens, and that mayors and other officers had refused to be so sworn. It then directs that on the day of All Saints in every year, the citizens and commonalty shall come together within some place in the city by the bishop appointed, and may there choose a mayor of themselves, and him so chosen shall present by giving him his oath before the steward or other minister of the bishop; and if he shall take his oath in this behalf, he may proceed to be mayor of the city, and not otherwise.

This charter supposes the mayor to be so much the officer of the bishop, that for unwholesome government or other reasonable cause the bishop may remove him.

The election, presentation and oath of the other officers of the bishop, are directed to take place in the same manner

The charter also provides that the bishop, by the advice of the dean and chapter, may make lawful and honest statutes, ordinances and constitutions for the city; that he may have serjeants-at-mace, but not more than four in number; and that he may have a gaol, and the custody of the same.

Charter of 1 Edw. IV.

Among the other documents copied on the parchment roll, from which the above quotations have been made, is to be found a charter dated 20 December, 1 Edw. IV., which empowers the bishop and his successors, by their commissioners, to constitute from time to time justices of the peace within the city; and to appoint coroners, one within the city, the other within the bishop's lordships, manors, lands, &c.

Charter of 46 Edw. III.

The only remaining charter of early date, in addition to those which have been mentioned, is one dated 26 November, 46 Edw. III., by which the King grants and gives license, as far as in him lies, to the citizens and good men of his city of Sarum, to inclose the city with a wall, and to hold the city so inclosed to them and their successors for ever, without the let or impediment of him or his heirs, his justices, sheriffs, escheators, or any other his bailiffs or ministers whatsoever.

Mayors.

An officer of the name of Mayor seems to have existed at a very early period. The earliest ledger or book of corporation entries begins with the account of the *Mayor* in the 11th year of Richard the Second; and there seem to have been mayors usually, though not regularly and invariably, elected from that time down to the period when express authority was given to choose them.

Aldermen of the Wards, &c.

The charter of 12 Edw. IV., which has been mentioned, fixes the election of mayor and other officers on the 2d November in every year. Subsequently to that charter, and at a period anterior to the reign of James the First, a mayor, four aldermen of the wards, and two serjeants-at-mace were elected annually on that day. The wards for which these aldermen were chosen were as follows:

The ward Novi Vici, or New-street ward.
——— Fori, or Market ward.
——— Martini, or Martin's ward.
——— Prati, or Mead ward.

Before the reign of James the First, the corporation had also in other respects acquired a determinate form, there being a body called the 24, and another called the 48; and the charter which was bestowed upon the city in the 9 James I., appears to have adopted the constitution which had already by custom become fixed and established; indeed the previous constitution is recited in that charter.

Disputes with the Bishop.

The wishes of the citizens with regard to this charter were strongly opposed by the bishop, and this opposition seems to have had the effect of delaying for two years the completion of the project for a new charter. Several bundles of papers relating to a dispute on this subject between the bishop and the city are still in existence, and they show that in 1610 there was the intention of granting a new charter, though it was not in fact bestowed until the year 1612, when the influence of the Earl of Salisbury, the lord treasurer, at length procured it.

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The relation in which the bishop stood to the citizens was one that would be likely to engender differences and jealousies between the parties; and accordingly we find traces of other disputes between them, besides that which has been already alluded to. The charter of Edward IV. which has been cited, shows that these dissensions were of long standing. In the 37th Elizabeth they were made the subject of inquiry before the privy council, on which occasion the mayor and seven others were appointed to attend on behalf of the mayor and commonalty; and they appear to have continued in full vigour until the long and elaborate charter of James the First gave to the citizens a settled constitution, which defined and ascertained their rights, and removed nearly all the former grounds of contention.

Charter of 9 James I.

This charter which bears date the 2d of March, 9 James I., established in the city a mayor, a recorder, twenty-four aldermen, two chamberlains, a body of forty-eight assistants, four principal constables to be called high constables, thirteen sub-constables, and three serjeants-at-mace. It is still considered as the main governing charter of the corporation, though in some respects altered and modified by subsequent charters.

Charter of 6 Charles I.

Of these latter, the earliest was one dated the 17th August, 6 Charles I. It changed the annual day of electing the mayor and other officers from the 2d November to the Thursday next after the feast of Saint Matthew. It made some alterations in the number and constitution of the different bodies which had power to remove the mayor, recorder and other officers. It added one to the number of justices of the peace within the city by directing that the mayor should be a justice for a year after his mayoralty expired; and it gave to the mayor, recorder and aldermen power to fine according to their discretion, any person refusing to serve the office of mayor or alderman, instead of fining to the limited extent of 40*l.* in the one case, and 20*l.* in the other.

Charter of Oliver Cromwell.

A charter was granted to Salisbury by Oliver Cromwell, in the year 1656. It is dated the 20th September in that year, and was acted upon from that time until August 1659. A copy of it is still in the possession of the corporation. It recites, among other things, that since the taking away of archbishops, bishops, deans and chapters, by authority of Parliament, the mayor and commonalty had purchased certain possessions of the late Bishop of Sarum, together with fairs, markets, court leet, and all other possessions and hereditaments in the city of Sarum, which at any time within ten years before the beginning of the Parliament, which begun the 3d November 1640, were belonging to the late Bishop of Salisbury or his predecessors. It confirms these and other possessions, and gives the mayor and commonalty the same jurisdiction over the close as over the city of Salisbury, incorporating the former with the latter. It reduces the number of the corporation, and fixes them at a mayor, a recorder, 15 aldermen and 24 assistants. It gives also two chamberlains, a bailiff, a town clerk, a coroner, four high constables, thirteen sub-constables, and three serjeants-at-mace. The charter is long, and contains in detail a full constitution for the city, with powers to try all offences, except high treason.

Cromwell's Charter revoked.

On the 11th August 1659, there is an entry in the ledger, reciting that among other things mentioned in the Act of Parliament, dated 11th June 1659, and entitled an Act of Indemnity, it was provided that the Act should not extend to make good or confirm the grant of any office or place of trust given or granted, or pretended to be given or granted by patent, charter or otherwise, since the 29th April 1653, and before the 7th May 1659, but that all such should be in the disposal of this Parliament: reciting also that the Parliament, in pursuance of the said clause, did, on the 2d August 1659, order that the mayor and commonalty of New Sarum should be required and authorized to act according to their old charter, and that they should forthwith bring in their new charter to this house, and deliver the same to be cancelled; by which order and clause the late charter granted by Oliver, late Lord Protector, had become void. Thereupon those whose names were under-mentioned, resumed their former places by force of the charters of James and Charles I., and declared themselves, together with all others who were of the common council, on the 10th September 1656, to be the present common council of the city. They then proceeded to choose a mayor, recorder, and other officers. The recorder chosen was Henry Eyre, Esq.; but by writ of mandamus, Sir Robert Hyde was, in 1660, restored to the place of recorder, which he held in 1646, and from which he was then removed by the common council.

Charter 27 Car. II.

The Charters of James and Charles I., thus restored, were modified by a charter bearing date the 13th February, 27 Charles II. It empowered the mayor and aldermen to nominate two persons for the office of Mayor, and limited the choice of the common council to one of the persons so named. It reduced the number of assistants to 30; it provided that the common council should consist of the mayor, recorder, aldermen and assistants, or any 25 of them, of whom the mayor or recorder was to be one. It limited the sum which any person might be fined for not accepting the office of mayor, to 100*l.*; it empowered the mayor and aldermen from time to time, and as often as they should think necessary, to appoint a deputy recorder; and it provided that no one should enter upon the office of recorder until approved by the Crown.

In September 1684, 36 Charles II., some steps were taken towards a surrender of the former charter, and a deputation was sent to Winton to make application to the high steward of the city, touching the surrender to his Most Sacred Majesty, if his Majesty should please

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to command it; and later in the same month it was ordered in common council that the charters granted to the city by his Majesty and his predecessors should be surrendered into his Majesty's hands, with a petition for a new charter, with such liberties, restrictions and privileges as his Majesty in his royal wisdom should think fit. The deed of surrender was completed on the 13th October; but the new charter, thus prayed for, was not granted until the beginning of the next reign, the 7th March, 1 James II., 1684.

First Charter of James II.

In this charter, power was reserved to the Crown to remove any of the corporate officers by order of privy council. In November 1687, the mayor, eleven other aldermen, fourteen common councilmen, and the town clerk, were in this manner displaced; and by writ of mandamus, other persons named in it were required to be elected and admitted in the room of those removed, and were accordingly elected and admitted, except one, there being no such person within the city.

Second Charter of James II.

A charter, dated 15th September, 4 James II., is in the possession of Edward Stevens, Esq., one of the aldermen, who obtained it by accident from a private hand at a distance from Salisbury. It recites that the inhabitants of New Sarum had divers privileges, franchises, &c., as well by prescription as by the charters of the King and his predecessors, which privileges, franchises, &c., by reason of certain defaults and abuses of the late mayor and commonalty, were lost and destroyed, and the corporate body was by that means dissolved. It then recites that the inhabitants had petitioned the King to grant them such liberties, &c., as seemed best to him, and proceeds at length to create a new corporation.

Return to ancient Charters.

No notice is taken of this second charter of James II., in the corporation ledger. The first charter of that monarch continued in operation until October 1688, when, in pursuance of the proclamation for restoring corporations to their ancient charters, and of the orders in council which discharged all officers elected under the charter of 1684, the old officers and members of the corporation assembled together, and fresh elections then took place.

Charter 6 Anne.

The only charter which now remains to be noticed is dated the 14 June, 6 Anne. It is somewhat remarkable that this charter recites certain ambiguities and differences with respect to the time and manner of choosing aldermen and assistants, as having then lately arisen in the corporation by occasion of the charter granted in the first year of James the Second, which it contemplates as continuing in force until surrendered by a formal deed under the corporate seal in 1706.

It provides that there shall be two days only in the year for the election of aldermen and assistants, Wednesday in the third week after Easter Sunday, and Thursday after St. Matthew's day, upon which days a common council shall be held, and that vacancies in either of these bodies shall be filled up on the first of those days which shall happen after the vacancies have occurred. It provides also, that no common council shall be called by the mayor without the consent of the major part of the justices. It directs that for the office of alderman two of the assistants shall be nominated by the mayor and aldermen, and the vacancy filled up by the common council's electing one of the two so named.

Governing Charters.

By the four charters which have been above mentioned, namely, that of James the First, that of Charles the First, that of Charles the Second, and that of Anne, the practice of the corporation is now wholly regulated.

Corporate Body. Freemen, or Free Citizens.

3. Under them the corporation is entitled "The Mayor and Commonalty of the city of New Sarum, in the County of Wilts." It consists of a mayor, recorder, deputy recorder, 24 aldermen and 30 assistants. There is a body of Freemen or Free Citizens, and all persons elected assistants are always sworn as free citizens at the same time that they are sworn into the former office. But the bulk of the free citizens are unconnected with the corporation, and their whole body does not at the present day form a subordinate part, nor indeed any part of it as regulated by its four governing charters. The chief advantage now derived from the freedom of the city is the title which it gives to profit by Sir Thomas White's charity.

Guilds.

Guilds or trading companies formerly existed in the city, and several of them are mentioned in different parts of the ledgers. Among these was the company of barber chirurgeons, which has shared the fate of all the rest, and seems, with them, to be totally forgotten.

The corporation is therefore now confined to those limited classes of persons which have been already mentioned.

Mayor.

The Mayor is chosen by the corporate body, in common council assembled, on Thursday after St. Matthew's day, from two candidates who are nominated by the mayor and aldermen the day before the election. Any of the citizens, whether members of the corporation or not, may be put in nomination, and are also eligible to the office of mayor; but there is no instance of a citizen at large being elected. The ordinary course is to choose in turn each member of the corporation who has not served the office, but instances have occurred in which the order of seniority has been departed from. For the purpose of making a valid assembly for the election of mayor, it is understood that either the mayor or recorder, or deputy recorder must be present.

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The mayor is sworn in on the Wednesday after St. Martin before the bishop if he attends for the purpose; and it is usual to wait until two o'clock on that day to afford time to the bishop to attend. If at that hour he has not arrived, the mayor elect is sworn before the preceding mayor, the recorder and aldermen, or any four or more of them. The mayor continues in office for one year, and until his successor is duly elected and sworn. If the mayor dies during the year, another is to be chosen within fifteen days in the same manner.

Fine for non-acceptance.

A penalty of 100 *l.* is affixed to the refusal, for the first time, to serve the office of mayor. A great many fines to this extent have been imposed and paid, but none within the last three years. For a second refusal of the office, or for refusing, after having once served it, the usual fine is 50 *l.*

Removal.

The mayor is removable from his office for ill government, evil behaviour or other reasonable cause; and by the charter of Charles the First the power of removing him was vested in the recorder, aldermen and assistants, of whom the recorder, 12 aldermen and 24 assistants were to be 37; but the charter of Charles the Second, which reduced the number of assistants, substituted for this removing body the recorder, aldermen and assistants, or any 25 of them, of whom the recorder was to be one.

Recorder.

The Recorder is chosen by the mayor, aldermen and assistants, or the greater part of them, for life, and is sworn before the mayor. The election must take place within fifteen days of a vacancy. Sometimes barristers and sometimes noblemen have been chosen. The recorder must be approved by the Crown before he can act; and may be removed for any fault or any reasonable cause by the mayor, aldermen and assistants, or any 25 of them, of whom the mayor must be one.

Deputy Recorder.

The office of Deputy Recorder was created by the charter of Charles the Second. He is chosen by the mayor and aldermen, and holds his office during their pleasure. He takes an oath of office before the mayor. The persons elected into this office have been usually barristers. A dispute now exists as to the right of the deputy recorder to exercise distinct functions of his own in the presence of the recorder; and as this question can only be decided in a court of law, it is unnecessary, and perhaps would be improper, to discuss it in this Report.

Aldermen.

The Aldermen are chosen from the assistants who have served the office of mayor; if there are none with this qualification, then the choice may fall upon any others of that body. Vacancies are always filled up on the following charter day; that is to say, either on the third Wednesday after Easter day, or on the first Thursday after St. Matthew. For each vacancy among the aldermen, the mayor and aldermen nominate two persons, and one is chosen by the body assembled on either of the charter days. The aldermen are elected for life. They take an oath of office before the mayor and recorder, or before the mayor and the greater part of the aldermen. They are removable for misbehaviour or other reasonable cause by the mayor, recorder and aldermen, or the greater part of them, of whom the mayor, recorder and 12 aldermen must be 14. The fine for non-acceptance of the office is said to be 40 *l.*, but it does not appear to have been imposed for many years. In 1731 a fine of 50 *l.* was inflicted for not serving the office of alderman; and it appears to have been paid.

Assistants.

The Assistants are elected by the whole corporate body from the resident inhabitants of the city. The election must take place on the next charter day after the vacancy has occurred. The assistants are sworn before the mayor, recorder and aldermen, or any four of them. They may be removed for misbehaviour or any other cause by the mayor, recorder and aldermen, or the greater part of them, of whom the mayor and recorder are to be two.

Residence.

No member of the corporation, unless it be the mayor, is bound to reside. Of the twenty-four aldermen, seventeen are resident, seven are non-resident, and live at a distance. Of the thirty assistants, there are twenty-three resident, seven non-resident, and the latter live at a distance.

Fees on Election or Admission.

The mayor on coming into office, pays the following fees:

	£.	s.	d.
To the first serjeant	7	10	–
second serjeant	3	16	6
third serjeant	3	11	6
beadles	3	3	–

Part of these payments are in lieu of board, which it was formerly the practice for the mayor to provide. He presents also certain sums to the almshouses of the city, and makes a donation to the ringers in his own parish. The charges, which have been here mentioned as usually attendant on the mayor's election, amount in all to above 42 *l.*

Each alderman, on his admission to that office, pays 5 *s.* to the serjeants, and 1 *s.* to the beadles.

Each assistant, on admission, pays the sum of five guineas, in which are included 3 *l.* for the stamp, a fee of one guinea to the town clerk, and a contribution of one guinea to the corporation chest. He also pays 10 *s.* to the serjeants and 2 *s.* 6 *d.* to the beadles.

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The recorder and deputy recorder pay no fixed or stated sums on their election, but each of them, according to his rank and station, gives gratuities to the town clerk, serjeants and beadles.

OFFICERS.

4. The Officers of the corporation are the mayor, high steward, recorder, deputy recorder, two chamberlains, ten justices, town clerk, clerk of the peace, four high constables, four aldermen of the wards, thirteen petty constables or sub-constables, three serjeants-at-mace, and two beadles.

Mayor.

The Mayor is *ex officio* justice of the peace, and his presence is necessary for holding a general sessions. It is also part of his duty to attend the petty sessions, which are held every Monday.

The mayor has a salary of 20 *l.* a year in lieu of the market tolls, which he formerly received himself. For the last four years he has also received 24 *l.* a year as an allowance for the expenses of his office, but this latter sum is not allowed unless the funds of the corporation are in condition to afford it. The pecuniary charges of the office are calculated to vary from 150 *l.* to 200 *l.* a year, the mayor, besides the fees and donations which have been already mentioned, being at the expense of a dinner on being sworn into office, and of a dinner also at each of the sessions. Until within the last few years the expenses of the office were from 500 *l.* to 700 *l.*

Recorder.

The Recorder is a justice of the peace for the city, and sits with the mayor and other justices at the general sessions, where he officiates as chairman. He has a salary of 10 *l.* a year.

Deputy Recorder.

The Deputy Recorder is one of the justices for the city, and in the absence of the recorder officiates for him at the sessions. He has a salary of 10 *l.* a year.

Chamberlains.

Two members of the corporation are elected annually into the office of Chamberlain by the charter council, on the same day that the election of mayor takes place. The duty of collecting the rents, of making all disbursements, and of keeping the accounts, is generally performed by the senior chamberlain, who receives the salary of 3 *l.* 10 *s.*, which belongs to the office of chamberlain.

Justices.

In addition to the mayor, recorder, deputy recorder, and the mayor of the preceding year, there are 10 justices of the peace for the city, elected for life by the mayor, recorder and aldermen, and taken from those aldermen who have passed the chair. The justices are not required to reside, but all the ten except one are now resident. There are generally five or six of them attending the petty sessions every week. They receive no salary. A fee of 5 *s.* to the serjeants, and a fee of 1 *s.* to the beadles, are paid by each justice on being elected into the office. The justices are removable for misbehaviour in office by the same body which elects them.

Town Clerk.

The Town Clerk is chosen by the mayor and commonalty, and holds his office during good behaviour. As town clerk he has a salary of 6 *l.* 4 *s.* a year, and the fees and gratuities which have been already mentioned. He is also clerk to the magistrates, and in that capacity takes fees which are regulated according to the table made use of in the county of Wilts. He charges for professional business done for the corporation, and is paid by the tenants for preparing the corporation leases.

Clerk of the Peace.

By one of the governing charters the corporation were empowered to elect the clerk of the bishop's courts into the office of clerk of the peace for the city; but an Act of Parliament, which passed in the reign of George the Third, has enabled them to appoint any person whatever to that office. It was in one instance held by the town clerk, but is now in a distinct person. The clerk of the peace has no salary from the corporation. He receives the same fees as are payable to the clerk of the peace for the county.

High Constables.

The four High Constables are chosen annually from the respectable tradesmen of the city, and sometimes from the principal tradesmen, by the corporation or common council assembled on the charter day in September. Their business is to attend the sessions, and to collect the city rate from the overseers of each parish; but they are not called upon to keep the peace except on extraordinary occasions.

Aldermen of the Wards.

The four Aldermen of the wards are chosen annually, on the same day, and by the body at large. They are sworn in before the bishop, if he is present to swear in the mayor, and are, in some respects, the officers of the bishop. If the bishop is not present, they are sworn in before the mayor and aldermen: they appear to have now no duties to perform; formerly, they used to superintend the victualling of the city; to present all misdemeanors and disorders in their wards; and to collect fines and quit-rents for the bishop.

Sub-Constables.

Thirteen Sub-Constables, or petty constables, are chosen on the same day, and in the same manner as the high constables. Besides performing the ordinary duties of constable, each of them, in turn, sits up by night and attends at the watch-house. Neither the high constables nor the sub-constables receive any pay or allowances from the corporation.

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There are three Serjeants at Mace, elected annually on the same charter-day by the body then assembled. The senior, or principal serjeant has a salary of 15*l.* a year from the corporation; the second, 10*l.*; the third, 9*l.* They have the fees which have been mentioned as payable by the different members or officers of the corporation; and they receive also, fees on each loan made by the trustees of Sir Thomas White's charity; these fees being 2*s.* 6*d.* to the senior serjeant, 1*s.* 9*d.* to the second, and 1*s.* 3*d.* to the third. The latter fees are paid out of the corporate fund, and do not, in general, occur more than once in the year. The three serjeants have likewise 14*s.* each once in two years; this is called, "Furmoney;" and the principal serjeant receives every year, for making out a list under Joan Pope's charity, the sum of one guinea. Serjeants at Mace.

Two Beadles are chosen every year, in the same manner as the serjeants. The head beadle has 7*l.* a year, the under beadle, 6*l.* a year. In addition to the fees, paid to them as above-mentioned, they receive 10½*d.* a-piece on each of Sir Thomas White's loans; they have also a suit of clothes every year, and a dress hat once in every three or four years. Beadles.

5. The Courts held within the city, besides the court-leet of the bishop, are the sessions, and a court of record belonging to the bishop. Courts.

The Sessions for the city are general sessions, and can be held as often as required. Upon an average, of late years, there have been three sessions in the course of the year: they are held before the mayor, recorder, or deputy recorder and the other justices: their jurisdiction is an exclusive one, no county justices interfering with them; it extends to capital cases; and, in some instances, capital offences have been tried at the sessions; but no case has occurred there in which the extreme sentence of the law has been carried into effect. In a case of murder, which is remembered to have occurred within the city, and in other instances where a capital punishment was likely to be inflicted, the committals have been for trial at the assizes. Sessions.

During the last six years, the annual number of prisoners tried at the city sessions has been, on an average, 15 or 16; during the preceding four years, the annual average was 30.

The prisoners, both for trial and under sentence, are sent to the neighbouring county gaol at Fisherton Anger, by authority of an Act, passed in the 40th Geo. III. intituled, "An Act for repealing so much of an Act passed in the 28th year of the reign of his present Majesty, intituled, 'An Act for the Removal and rebuilding of the Council Chamber, Guildhall, &c.' as requires the Mayor and Commonalty of the City of New Sarum to build a new Gaol within the said City or Suburbs thereof; and for authorizing the Commitment of Felons and other Persons within the limits of the said City and the Close thereof, to the Gaol of the county of Wilts; and for explaining and amending the said Act."

There used to be a City Gaol under the old council-house; and the Act of the 28th Geo. III. which is mentioned in the title of the 40th Geo. III. was passed for the purpose of enabling the corporation, among other things, to build a new gaol. This part of the Act being repealed, no gaol has been erected within the city, but since the 40th Geo. III. the county gaol at Fisherton has been, for all purposes, considered as a city gaol; and all offenders, committed or sentenced by the city authorities, are to be sent to the county gaol, as long as one exists in Fisherton Anger. Prisoners sent there are supported out of the city rate, a rate which is made by the justices at sessions, and assessed upon the different parishes of the city, in the same manner as the county rate, and charged in the same way with these expenses and the expenses of prosecutions. The confinement at Fisherton is very defective as a punishment for those condemned to hard labour, there being no house of correction there, nor any effectual means of carrying such a sentence into execution. Gaol. City Rate.

The justices, each sessions, appoint two of their own number to be visiting justices of Fisherton gaol; and salaries are paid by the city to the gaoler, the surgeon and the matron.

The precept for holding the sessions is directed to the bailiff, and he summons the Grand and Petty Juries, by his inferior officers, who are called "Ministers." He makes a list for the grand jury out of the principal inhabitants, and 24 persons are summoned upon it. The petty jury is taken generally from the small tradesmen. The bailiff makes out a list of 48, taking 12 from each of the four wards, and making use of the poor-rate as his guide. The householders are in this manner taken in turn; and it usually comes round to each person to serve on the petty jury once in a year and a half. Juries.

The Court of Record belonging to the Bishop is said to be a court by prescription; his bailiff is the judge of it. In personal actions it appears to have jurisdiction to an unlimited amount, and actions of ejectment have also been carried on in it. There seems to be some doubt whether it comprised within its jurisdiction the close as well as the city. The present prothonotary is of opinion, that it does not. The time of holding the court has varied at different periods. It has sometimes been held once a week, sometimes once a fortnight, and at other times only once a month. No action has been tried in it for 18 years, though use is still occasionally made of the process of the court, for the purpose of enforcing the payment of debts incurred within its jurisdiction. The court is still sometimes opened, but not at any regular stated periods. The Bishop's Court.

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There is an officer of the court called a prothonotary, who is still appointed. He holds his office by appointment from the bishop. It is his duty to issue writs, and with him all the proceedings in a cause used to be filed.

The practice and mode of proceeding are said to be the same as the old practice and mode of proceeding in the King's Bench; but the book which contained the practice of the court is supposed to have been lost; it certainly has never come into the hands of the present prothonotary. The costs were the same as in actions brought in the Common Pleas; but no table of fees or taxed bills of costs are known to be in existence.

The officers of the court to whom its process was directed, and by whom it was executed, were called ministers. They are the officers who have been already mentioned as acting under the bailiff; and the bailiff himself is a species of sheriff within the city.

Inhabitants had the privilege of being called three court days before judgment could be signed. Their non-appearance was each time recorded, and the recording of it was called *nitchelling*. If the defendant was not an inhabitant, judgment could be signed upon one default.

It is necessary for attornies to be admitted by this court before they can practise in it; but the number is not a limited one.

The corporation do not appear in any way to be connected with the bishop's court, or to have any power or patronage in it.

POLICE.

6. A body of watchmen or policemen are appointed under a local Act of the 55 Geo. III., entitled, "An Act to alter, extend and amend the powers of two Acts passed in the tenth year of the reign of his late Majesty King George II., and in the 12th year of the reign of his present Majesty, for better paving, lighting and watching the city of New Sarum, in the county of Wilts." The number of watchmen or policemen employed under this Act varies according to the season of the year. There are five in the summer, nine in the winter, and seven in the intermediate seasons. The captain of these bodies is a policeman by day as well as by night, and is sworn in as a constable. The lighting of the city is also done under the authority of this Act. And for these united purposes, the trustees and directors who carry the Act into execution have power to raise a rate within the city, not exceeding 2*s.* in the pound where property is above 20*l.* annual value, and not exceeding 1*s.* where it is under 10*l.* annual value. The poor rate is by the Act made the standard of value; and this value is not more than two-thirds of the real value. The rate is levied to the full extent authorized by the Act.

Watching.

Lighting.

PATRONAGE.

7. The corporation appoint to the lectureship of St. Thomas's church. The salary, 25*l.* a year, is paid out of the general corporate fund.

REVENUE.

8. The sources from which the income of the corporation is derived are the following:

Income.

Rents of houses and land;
Fines on renewal of leases;
Market tolls;
Rent of the corn market;
Fines and fees from members of the corporation.

Houses and Land.

The greater part of the rents arising from houses and land, are quit rents reserved on the ordinary leases of the corporation. Only 2*l.* a year are freehold rents. The quit rents amount to 200*l.* 2*s.* 2*d.* a year, and arise from about fifty distinct properties in the city of Salisbury, which are let on leases of forty years, renewable every fourteen years. The freehold rents issue out of lands which were alienated by the corporation, some time between the years 1647 and 1652, and which consist of twenty-four distinct properties.

Renewals.

The amount of Renewals for fourteen years, from the year 1820 to the year 1833, inclusive, was 1,529*l.* 10*s.* 7*d.* The yearly average would therefore be 109*l.* 5*s.*

Market Tolls.

The average amount of Market Tolls, taken for seven years, (from 1827 to 1833), was 43*l.* 15*s.* 9*d.*; taken for the last three years, only 34*l.* In the last year, indeed, they made no return, in consequence of alterations made, and expenses incurred, in the arrangement of the market.

Corn Market.

The Corn Market produces a rent of 16*l.* a year.

Fines and Fees.

Until the year 1831, a considerable revenue was derived from the fines paid by persons who refused to serve the office of mayor. In the seven years previous to 1831, the corporation received the sum of 1,400*l.*, on account of these fines; for the seven preceding years, the fines amounted to 400*l.* The average of these fourteen years would be 128*l.* 11*s.* 5*d.* Since the year 1830 no person elected to the office of mayor has refused to serve, and it seems probable that this source of income will wholly fail in future years.

The fees paid to the chest by assistants on their admission, have not produced more than 12*l.* 12*s.* during seven years.

In the chamberlain's account for the year 1830, there appears to be a sum of 466*l.* 16*s.* 10*d.* brought from the Small Pox Hospital account, and carried to the credit of the corporation. This sum arises from property which was about 70 or 80 years ago dedicated to the support of a Small Pox Hospital; and the accumulation of the fines and quit rents, from the time when they were no longer required for that purpose, was carried to the general corporation account. The hospital is now given to the overseers of the poor, for the use of sick paupers.

Charges and Disbursements.

The permanent Charges on the corporate fund are very heavy. The annual payments on account of charities alone amount to about 140*l.* To these must be added 25*l.* a year for the lecturer

lecturer of St. Thomas; 1*l.* 3*s.* to the vicars of the Cathedral; and 1*l.* 1*s.* to the vicar of St. Edmunds. These annual charges have arisen from various donations which were formerly made for charitable purposes; and the corporation having received the principal sums to their own use, have laid themselves under the obligation of paying the interest or annual donation out of their ordinary revenues. They are also greatly burthened by the repair of the different almshouses, many of which are old and in a dilapidated state.

Permanent Fund.

The sum of 16*l.* 17*s.* 2*d.* is annually paid to what is called the Permanent Fund, as interest for a loan which was made by the trustees of the latter fund to the corporation in 1824. The permanent fund was formed in 1796 by a gift from William Hussey, Esq., of 1,000*l.* which was invested in the names of trustees, in the Three per cent. Reduced Annuities, and the interest was by a declaration of trust appropriated to the repair of the council house. The money was borrowed from the permanent fund in order to purchase some land in the market-place near the council house.

Receipts and Expenditure.

The nature and amount of the other disbursements will appear, without explanation, from the subjoined account of the Receipts and Expenditure for the years 1830, 1831 and 1832.

RECEIPTS and EXPENDITURE for the Year 1830.

RECEIPTS:	£.	s.	d.
Balance of former Account	106	10	1¾
Brought from the Small Pox Hospital Account	466	16	10
Rents	228	5	2
Fines and Fees	408	8	–
Market and Fair Tolls, net	33	5	10
Sundries	1	10	–
£.	1,244	15	11¾

EXPENDITURE:	£.	s.	d.
Eyre's Hospital	56	4	5
Preacher of Mervin's Sermon	1	1	–
Rhode's Gift to the Poor	2	2	–
Willoughby's Gift to the Poor	4	–	–
Willoughby's Gift to the Poor of Knoyle	16	–	–
Lecturer of St. Thomas (Salary)	25	–	–
Gauntlett's Charity	3	–	–
Mervin's Charity	3	3	–
Town Coats, for 41 men	48	13	4
Vicars of the Cathedral (Pension)	1	3	–
Bread to the Poor	6	10	–
Interest on £.543. 3*s.* Three per Cent. Reduced Annuities, to Permanent Fund; (should be £.16. 17*s.* 2*d.*)	16	7	2
Quit Rents, &c.	6	19	7
Land Tax and Insurance	11	16	1½
Assize Expenses	11	9	–
Lamb and Sheep to the Judges	7	–	–
Race Cup	18	5	–
Salaries and Allowances, viz.			
Mayor £. 24 – –			
Chamberlain 3 10 –			
Town Clerk 6 4 –			
Deputy Bailiff 2 13 4			
Chaplain 1 3 4			
Serjeants and Beadles 78 3 10			
	115	14	6
Town Clerk's Bill	16	1	4
Works and Repairs	79	2	8½
Printing, &c.	4	9	–
Coals	9	2	6
Sundries	21	7	11
Balance in hand	760	4	4¾
£.	1,244	15	11¾

RECEIPTS and EXPENDITURE for the Year 1831.

RECEIPTS:	£.	s.	d.
Balance of former Account	760	4	4¾
Rents	221	–	9
Fines and Fees	4	4	–
Market and Fair Tolls	44	13	3
Renewals	89	16	–
Sundries	1	10	–
£.	1,121	8	4¾

EXPENDITURE:	£.	s.	d.
Eyre's Hospital	28	7	–
Rhode's Gift to the Poor	2	2	–
Willoughby's Gift to the Poor	4	–	–
Willoughby's Gift to the Poor of Knoyle	16	–	–
Lecturer of St. Thomas	25	–	–
Gauntlett's Charity	3	–	–
Mervin's Charity	3	3	–
Town Coats, for 41 men	50	11	8
Vicars of the Cathedral (Pension)	1	3	–
Gardiner's Charity (Instalment of a Debt)	15	–	–
Bread to the Poor	6	10	–
Interest to Permanent Fund	16	17	2
Quit Rents, &c.	6	19	7
Land Tax and Insurance	12	1	11
Assizes and Special Commission	6	19	–
Lamb and Sheep to the Judges	10	10	–
Race Cup	18	2	6
Salaries and Allowances, viz.			
Recorder, four years £. 40 – –			
Chamberlain 3 10 –			
Town Clerk 6 4 –			
Deputy Bailiff 2 13 4			
Serjeants and Beadles 59 12 8			
	112	–	–
Town Clerk's Bill	25	15	10
Expense of Mandamus for Election of Mayor	95	3	8
Works and Repairs (including part of the expense of altering the Courts)	504	9	10
Printing and Stationery	19	1	–
Coals	9	10	6
Sundries	15	–	4
Balance in hand	114	–	4¾
£.	1,121	8	4¾

RECEIPTS and EXPENDITURE for the Year 1832.

RECEIPTS:	£.	s.	d.
Balance of former Account	114	–	4¾
Rents	183	–	11
Fines and Fees	4	4	–
Market and Fair Tolls, net	34	14	4
Sundries	14	10	–
Balance (being excess of Expenditure)	164	10	–¾
£.	514	19	8½

EXPENDITURE:	£.	s.	d.
Eyre's Hospital	51	14	5½
Preacher of Mervin's Sermon, two years	2	2	–
Rhode's Gift to the Poor	2	2	–
Willoughby's Gift to the Poor	4	–	–
Willoughby's Gift to the Poor of Knoyle	16	–	–
Powell's Gift for three years	4	10	–
Lecturer of St. Thomas	25	–	–
Gauntlett's Charity	3	–	–
Mervin's Charity	3	3	–
Town Coats	50	16	3
Vicars of the Cathedral (Pension)	1	3	–
Gardiner's Charity (Instalment of a Debt)	20	–	–
Bread to the Poor	6	6	8
Interest on £.543. 3s. Three per Cent. Reduced Annuities to Permanent Fund	16	17	2
Quit Rents, &c.	1	10	8
Land Tax and Insurance	11	–	2
Assize Expenses	17	2	–
Sheep and Lamb to the Judges	7	–	–
Race Cup	18	7	–
Salaries and Allowances, viz.			
Mayor £. 24 – –			
Chamberlain 3 10 –			
Town Clerk 6 4 –			
Chaplain 1 3 4			
Deputy Bailiff 2 13 4			
Serjeants and Beadles 67 12 7			
	105	3	3
Town Clerk's Bill	38	11	–
Works and Repairs	64	19	10
Printing and Stationery	17	1	–
Coals	9	14	–
Sundries	17	16	3
£.	514	19	8½

The Account which follows that of 1832 is not for the whole year 1833, but only to the 20 November in that year. The following is a short Abstract of it.

RECEIPTS:	£.	s.	d.
Rents	147	10	6
Fines and Fees	10	10	–
Renewals	496	4	4
Cash allowed by the County for fitting up Courts at the Special Commission	40	12	6
Sundries	1	10	–
£.	696	7	4

EXPENDITURE:	£.	s.	d.
Balance of former Account	164	10	–¾
Loss on Market and Fair Tolls	25	7	–
General Disbursements	398	13	11½
Balance in Chamberlain's hands	107	16	3¾
£.	696	7	4

Future Income.

The future Income of the corporation may be estimated as follows:

	£.	s.	d.
Rents	202	2	2
Renewals (Average)	109	5	–
Market Tolls (Average)	43	15	9
Rent of the Corn Market	16	–	–
Fees paid on Admission by Assistants (Average)	1	16	–
TOTAL FUTURE INCOME £.	372	18	11

Future Expenditure.

The ordinary Expenditure in past years seems to have exceeded this amount by a sum which varies from 130*l.* to 150*l.* a year. Unless, therefore, reductions can be made to this extent in the future expenditure of the corporation, a gradually increasing debt will be formed which must in time swallow up the whole of their property. And even if every possible retrenchment be made, and the income and disbursements be made to balance one another, still so much of the corporate revenue is appropriated to purposes from which it cannot be diverted, that very little can in any case be left for carrying on works of public utility, or promoting objects beneficial to the city of Salisbury.

Accounts.

The Accounts are usually balanced every year, and are audited by a committee consisting of the mayor, the late mayor, four aldermen and four assistants taken in rotation.

STATE OF THE CITY.

9. The city of Salisbury appears to be, in point of prosperity, rather stationary than in any degree advancing or improving. In some respects its trade has considerably declined.

Manufactures.

The Woollen Manufacture was formerly carried on in the place on a very extensive scale; there is now only a single woollen factory that continues at work. Cutlery used also to be an important, and indeed the principal branch of manufactures in Salisbury; this has likewise gradually fallen away, and at the present time a great deal of the cutlery which is sold in the town is brought from Birmingham. A silk factory has lately been established which employs 120 persons daily, and this undertaking, it is hoped, will continue to thrive.

SALISBURY.

Buildings.

It has been observed, that of late years the increase that has taken place in the number of houses in the town has been principally in those of a meaner description; but there are still many substantial Buildings in different parts of the town, which give it, upon the whole, an appearance of considerable wealth existing in the midst of considerable apparent poverty.

Poor Rate.

The Poor Rates are upon an average eight or nine shillings in the pound.

City Rate.

The City Rate amounted in the four last years to the following sums:

1830.	1831.	1832.	1833.
£. 400.	£. 500.	£. 400.	£. 250.

Edw^d J. Gambier.

Papers accompanying this Report:

Copy Charter 9 James I.
Copy Charter 6 Charles I.
Copy Charter 27 Charles II.
Copy Charter 6 Anne.
Revised Lists of Voters, 1832 and 1833.

REPORT

ON

THE CORPORATION OF SHAFTESBURY,

(DORSETSHIRE.)

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CORPORATION OF SHAFTESBURY.

1. THE old borough of Shaftesbury comprises parts of three parishes, the Holy Trinity, St. Peter and St. James. The greater part of the town is within the borough; towards the south-west only, a certain portion of it, consisting of between one and two hundred yards of street in length, is beyond the borough bounds; but the houses are not numerous in that quarter. The boundaries are well ascertained; there have been Perambulations of them from time to time, one about twelve years ago in the time of the present town clerk. The only disputed point is in the parish of the Holy Trinity, where a question some years ago was raised with respect to a particular cottage, and remains undecided to the present day. LIMITS. Perambulations.

The new borough of Shaftesbury is formed by the additions of the out-parishes of the Holy Trinity, St. Peter and St. James; of the parishes of Cann St. Rumbold's, Motcombe, Stower Provost, East Stower, Todber, Compton Abbas, Margaret's Marsh, and Melbury Abbas, together with the Tything of Hartgrove and the parish of Donhead St. Mary, which is in Wiltshire. Additions by the Boundary Act.

2. Shaftesbury is unquestionably a town of great antiquity. It is described as a borough in Domesday book; but it seems to be doubtful whether it was, either by prescription or charter, a corporate town before the reign of James I. A Charter of Henry III., dated 30th October, anno regni 37, grants to the burgesses the liberty of answering within their borough all matters coming within the cognizance of the justices in eyre, and directs that those justices in each of their circuits in the county of Dorset should visit the borough of Shaftesbury. It also grants to the burgesses power to choose for themselves, every year, two coroners to exercise the office of coroner in the borough. No inference with respect to the character of the body, to which these liberties were granted, can with any certainty be drawn from the wording of this charter. But in the inspeximus and confirmation of it, dated 17th September, 5 Richard II., the King grants and confirms the same liberties to the burgesses, their heirs and *successors*, burgesses of the borough of Shaftesbury, as they and their *predecessors* (*antecessores sui*) had used and enjoyed them. The expressions here made use of seem to denote a corporate existence at the time when the confirmation took place; and it is very certain that the title of many towns to be considered as invested with a corporate capacity in early times, appears to rest upon no stronger foundation than the inference to which the like wording of royal grants of privileges seems naturally to give rise. HISTORY. Charter of Henry III. Confirmation by Richard II. When first a Corporation.

An inspeximus and confirmation of the above-mentioned charter of Henry III. appears to have been granted in the first year of Henry VI., but neither the original document nor any copy of it is among the muniments of the corporation. Confirmation by Henry VI.

The burgesses or commonalty of Shaftesbury were without doubt in the enjoyment of certain property in land, at a period long before the granting of any known charter of Incorporation; but this circumstance is in their case by no means a certain indication of the character in which they held it, since the legal estate appears to have been always, up to the reign of James I., vested in trustees or feoffees. This mode of enjoyment does not, however, necessarily lead to a conclusion that the burgesses were at the time devoid of any corporate character, for it appears that long after the grant of a regular charter of incorporation, the property alluded to was still vested in trustees. Enjoyment of Property.

The Office of Mayor existed as early at least as the reign of Henry VI., and probably at a much earlier period. He appears in the reigns of Henry VI., Edward IV., and Henry VII., to have been annually chosen and presented at the court leet by the jury, who, on some occasions, are stated to have elected him as by their own act, on others as with the assent of the whole commonalty. He was chosen and sworn at the leet on the Friday next after the feast of St. Michael in every year; and at the same time two persons were chosen and sworn as coroners, two as constables and one as bailiff. Into the latter office, in more than one instance, the dean and chapter of the cathedral church of Salisbury were elected, but were permitted to execute the office by deputy. Office of Mayor.

The present Seal of the corporation has the date of the year 1570 engraved upon it, and this fact has probably given rise to the notion, that a charter of incorporation was granted to the borough of Shaftesbury in the reign of Queen Elizabeth. This opinion, however, seems to be without foundation; and if so, the date upon the seal may be adduced as an additional proof that the burgesses and their officers assumed at that period the rights and functions of a corporation. Seal.

SHAFTESBURY.

It is, perhaps, more a matter of curiosity than of real utility, to determine at what period the town of Shaftesbury had first a corporate character impressed upon it. It was undoubtedly incorporated, and a complete form of constitution bestowed upon it, by a charter dated 9th July, 2 Jac. I. The provisions of this instrument are in most respects similar to those contained in the present governing charter of the corporation. The principal points in which the latter charter varied from the former, were these: 1. As to the number of justices of the peace, there being but one assigned to the borough by the charter of James; 2d, As to the number and constitution of the common council. With regard to the latter point, the charter of James I. fixes the number of capital burgesses and counsellors at twelve, and ordains that *these twelve*, together with the mayor, and *all those who had served the office of mayor*, and the recorder, shall be the common council; and the power of choosing the mayor was apparently given to this body by the name of the *capital burgesses and common council*, who were empowered to choose for mayor one out of themselves. The charter then provides that as often as it shall happen to any one or more of the twelve capital burgesses, or counsellors, to die or *to be elected into the office of mayor*, or to be removed from the place of capital burgess or counsellor, it shall be lawful to elect one other or more of the burgesses of the borough into the place or places of the same capital burgess or capital burgesses *so happening to die or be amoved*.

Charter 2 James I.

The corporation appear to have felt that there were some defects and imperfections in this charter, and for that reason, and on account of a *quo warranto* being brought against the mayor and burgesses, by the direction of the Attorney General in 1664, we find them instructing their recorder to petition his Majesty to renew the charter, with certain additions and amendments.

Charter 17 Car. II.

In consequence of these proceedings, and of the petition so addressed to the Crown, a new Charter, dated the 22d March, 17 Car. II. was granted to the corporation and accepted by them. This is now regarded as the sole governing charter.

Charter 36 Car. II.

In the 36th Charles II. a fresh charter was granted, containing the power usual to the grants of that period, for removing any of the corporate officers by order of privy council. It has been said, that this charter contains the same provision as the charter of James the First, for electing a capital burgess in the room of any one appointed to the office of mayor; but I do not find any such provision in this charter, as far as I have been able to read it; though it must be confessed, that it is in so tattered and dilapidated a condition that it is not possible to speak with confidence as to the whole of its contents.

With regard to the abandonment of the charter of the 36th Charles II., and the re-adoption of the former charter at the time of the Revolution, no certain information is to be found in the corporation books or records. In the council-book of that period, there is only a single entry between the 9th December 1685 and the 31st December 1701; the entry alluded to is dated the 25th May 1688, and records the election of William Durnford into the office of coroner, in the room of Mr. Edward Attwell, being absent: there are then eight or nine pages left blank; after which, is an entry of the 31st December 1701, from which it may be inferred that some irregularity or misconduct had taken place, on the part of the persons who had filled the office of town-clerk during the preceding interval of time; for on that day it was ordered that Mr. Edward Attwell, (late town-clerk,) should bring in all the public books, records and writings belonging to the corporation that were then in his hands, to the common council, appointed to be held on the 7th January; and on the 7th January it was resolved, that, as Mr. Mervin Bowles, late town-clerk, had refused to perform the office according to his duty, the place of town-clerk was vacant, and that Mr. Mervin Bowles was thereby discharged from the office.

Return to Charter 17 Car. II.

From the time when the regular entries in the council-book again commenced in 1701, the corporation appear to have regulated themselves wholly by the charter of 17 Charles II., and the above-mentioned charter of 36 Charles II. was not, for many years, to be seen among the corporate records; until, on the taking down of the old town-hall in 1822, it was found secreted behind some wooden pigeon-holes, between the wood-work and the wall of the building.

CORPORATE BODY.

Style.

Constitution.

3. Under the charter of the 17 Charles II., the corporation is styled, "The Mayor and Burgesses of the Borough of Shafton, otherwise Shaftesbury, in the County of Dorset." It consists of a mayor, recorder and twelve capital burgesses. There is no body of common burgesses or freemen within the borough.

Mayor.

The Mayor is elected on Monday before the feast of St. Michael, by the capital burgesses and common council, or the major part of them, (of whom the mayor or recorder, or the last preceding mayor, must be one.) The common council, according to the charter, consists of the capital burgesses, the mayor and recorder: eight are the smallest number that is deemed sufficient to make a good elective assembly. The mayor is chosen from the number of the capital burgesses, but not in any particular rotation, or according to any particular rule, except that he cannot be re-elected mayor for three years after the expiration of his mayoralty. He is chosen for one year absolute, and is sworn in on the Friday after Michaelmas-day, before the steward of the court-leet for the borough, or his deputy. There is a provision in the charter for his taking the oaths before the mayor, recorder and capital burgesses, or any

two or more of them, in case of the absence or refusal of the steward; but this has never been known to have been resorted to in practice. SHAFTESBURY.

In case of the mayor's death during his mayoralty, another is elected by the same body for the remainder of the year. A death and a fresh election of mayor occurred in the year 1772, on which occasion the new mayor was sworn in, not before the steward of the lord, but before the recorder and capital burgesses at the time of his election.

By the charter, there is a Fine of 10*l.* for refusing to serve the office of mayor, but no instance of refusal has ever occurred. Fine.

The mayors have always resided in the borough. Residence.

The Recorder is elected by the mayor and capital burgesses, and holds office during their pleasure: he is sworn in before the same body which elects him. The older practice of the corporation was to choose barristers. In later times, there have been noblemen, private gentlemen and attornies indifferently placed in the office. By the charter, power is reserved to the Crown, by any writing or warrant under the sign manual, to signify its disapprobation of any person elected into the office of recorder; and, by that act, to make void the election of such officer. Recorder.

The Capital Burgesses are chosen by the mayor, recorder and capital burgesses, or the major part of them (of whom the mayor must be one.) In practice the presence of the recorder is not considered necessary, elections of capital burgesses having repeatedly taken place without him. The capital burgesses are chosen from the resident inhabitants of the borough. They take an oath of office before the entire body. Their residing after their election is not in general considered necessary, and there have been instances of their going to reside elsewhere without being removed from their office. I find however from the council book, that in 1822 a capital burgess was removed by the common council in consequence of his being resident in America, and therefore out of the jurisdiction of any process of this kingdom. There is at present only one vacancy among the capital burgesses, and that has been occasioned by a recent resignation. All the capital burgesses are resident within the borough, except one, whose house is close to the boundary line. Capital Burgesses. Residence.

The members of the corporation seem to be all of them among the principal inhabitants of the town, but it has been objected that the selection has been too much confined to particular families, and that family interests prevail to a great degree in the choice of head officer of the corporation to the exclusion of those members of the body who stand in a more isolated condition. And it certainly appears that out of the thirteen mayors who have been elected since 1820, six have borne the name of Buckland, four that of Chitty, two of Swyer, and the thirteenth is closely connected with one of the former families. Family Interests.

The following is the list of the members of the corporation, exclusive of the recorder; and it shows both the respectable situation which they occupy, and in some degree, but not altogether, the relationship of the parties. Present Members.

Richard Buckland, mayor, post-master.

Edward Buckland, retired attorney.	Walter Swyer, brewer.
James Hurd, surgeon.	George William Buckland, surgeon.
Charles Hannen, attorney.	Thomas Burridge Chitty, gentleman.
Philip Matthew Chitty, attorney.	David Roberts, wine and spirit merchant.
George Chitty, attorney.	Robert Swyer, attorney.
James Lush Buckland, surgeon.	

Each capital burgess, on admission to the office, pays the sum of five guineas, 3*l.* of which are for the stamp, the remainder is the fee of the town clerk. Some fee is also paid on the election of a recorder, and it is probably one of equal amount. Fees on Admission.

4. The Officers of the corporation are the following: mayor, recorder, justice, town clerk, coroner, two serjeants-at-mace, a bailiff's man, and a scavenger. Officers.

The Mayor is a justice of the peace within the borough, and clerk of the market. He was a judge of the court of record while it was in operation, and he keeps an account of all receipts and disbursements, being the receiver of all the corporate revenues. There is no salary or emolument attached to the office. Mayor.

The Recorder has no other official duties to discharge besides those of justice of peace within the borough, and in order to discharge these effectually, it is of course proper and indeed necessary that he should be resident in the town, or in its neighbourhood. The present recorder, the Marquis of Westminster, who was elected in 1828, but has never been sworn into the office, resides at a distance, and the borough is consequently deprived of the advantages which it would derive from the recorder's acting in the capacity of a magistrate. The recorder was a judge of the court of record as long as it was in use, but it might always be Recorder.

SHAFTESBURY.

held without him. He is entitled to a salary of 1*l.* 11*s.* 6*d.* a year; but this salary has for about ten years been paid to the town clerk, as a fee for preparing notes of hand in a loan charity of which the corporation are trustees.

Town Clerk.

The Town Clerk is elected by the mayor, recorder and capital burgesses, or the greater part of them, of whom the mayor must be one. Besides the ordinary duties of town clerk, he is clerk to the borough magistrates, and prothonotary of the court of record.

He has a salary of 1*l.* 6*s.* 8*d.* as town clerk. He charges for business done as solicitor to the corporation, and as justices' clerk he takes the same fees as are taken by clerks of magistrates in the county of Dorset. The leases are paid for by the tenants.

Coroner.

There is now only one Coroner. He is annually chosen by the common council on the same day that the mayor is elected. For many years it has been usual to elect the town clerk into this office. He is paid by the county treasurer in the same manner as the coroner for the county.

Serjeants at Mace.

Two Serjeants at Mace are annually chosen by the body on the Monday before Michaelmas. The same persons are usually re-elected. They receive from the corporation 2*l.* 6*s.* 8*d.* a year each, and a cloak and hat occasionally. Besides their ordinary duties in attending upon the mayor and corporation, they are officers of the court of record, and it was their duty, as long as that court was in use, to serve and execute its process.

Bailiff's Man.

A Bailiff's Man is chosen annually by the body on the same day as the serjeants. He attends upon the mayor and corporation with the serjeants. He is also town crier. From the corporation he receives 1*l.* 13*s.* 4*d.* a year, and has also his fees as town crier.

Scavenger.

The office of Scavenger is one which has existed only for about 30 years. It is now filled up annually by the body on the Monday before Michaelmas, and the person occupying it has 2*l.* 12*s.* a year from the corporation. His chief employment appears to be cleaning and sweeping the market-place after the market is over.

COURTS.

5. There are no Courts now held within the borough, except the court leet of the lord.

Court of Record.

A Court of Record was granted by the charter to be held on Saturday in every week before the mayor, recorder and capital burgesses, or some three of them, of whom the mayor, or in the absence of the mayor, his last predecessor, was to be one; with a jurisdiction in all personal actions to the extent of 10*l.* debt or damages. In this court no business has been done for 40 years past, and during the last 20 years the practice of opening the court, even as a matter of form, has been altogether abandoned.

A sufficient number of records and documents relating to the business of the court are in existence to show its practice and the nature of its proceedings. Both the one and the other were assimilated as nearly as possible to those of the superior courts at Westminster.

The process of the court was tested by the mayor and directed to the serjeants at mace; and it was by these latter officers, assisted by a jury, that writs of inquiry were executed.

No taxed bills of costs are in the possession of the corporation or of the town clerk; but several tables of fees remain, from which the costs of a cause may with sufficient accuracy be computed.

Gaol.

The court of record had a Gaol belonging to it; but it was one of very small dimensions. It was used as a lock-up house for some years after the court ceased to be resorted to, but has been wholly abandoned since another building has been constructed to answer the same purpose.

POLICE.

6. There is no Police force in the town beyond the ordinary constables, nor are there any watchmen. The parts of the town which lie within the parishes of the Holy Trinity and St. Peter are lighted out of a rate levied by the resolutions of the respective vestries.

REVENUE.

Income.

7. The regular Income of the corporation is derived from the rents of houses in the town and of lands out of the town; from the profits of markets and fairs; and from the interest of money lent, or invested in the funds. The fines on renewals, which are not inconsiderable, have for some years been treated as part of the principal or capital stock of the corporation, and have been invested in the funds unless it became necessary to apply them to any special purpose; but they have not been treated as a portion of the annual income.

Rents of Houses and Lands.

There are about 54 distinct properties on lease, most of them in the town. One of these is let for a long term of years; all the rest are for 99 years, determinable on lives. By far the greater proportion of this property is held by the Marquis of Westminster, who has in most instances obtained assignments of the leases from other parties who were the original lessees. But six or eight of the leases have been granted to the marquis himself.

Nearly all the landed property of the corporation has been in its possession for a very long period, and appears to have been known, before the charter of James the First, under the name of town's lands or commons' lands.

The

SHAFTESBURY.

The profits of the Fairs and Markets were derived from a grant of the Earl of Pembroke in 1640, and an annual quit rent is still paid for them. They are now let from year to year, and make an annual return of 32*l.* Fairs and Markets.

The whole of the rental arising from the two sources which have been mentioned amounts to 133*l.* 9*s.* 6*d.*; but in this sum are included a charge of 26*l.* a year, and another of 1*l.* a year on lands in St. James's for the benefit of an almshouse, and which are regularly paid by the corporation.

In the last 21 years, the fines on renewals have amounted to 1,487*l.* A considerable portion of these fines was invested in the funds; and of the amount so invested, 400*l.* were borrowed a few years ago by the corporation, in their capacity of trustees of Spiller's Almshouse, and were applied to the rebuilding of the house belonging to the charity. The charity is now in a condition to pay interest for this loan, and from the present time interest is to be paid at the rate of three and a half per cent. The sum still remaining in the funds consists of 450*l.* new three and a half per cent. stock, and produces 15*l.* 15*s.* a year. Renewals.

The Expenditure of the corporation consists in payments to the almswomen; in quit rents and land tax; in the salaries and expenses of their officers; in an annual entertainment; works and repairs, and a few other miscellaneous disbursements. Expenditure.

For the last three years, the corporation have paid to certain Almswomen the sum of 58*l.* 18*s.* 8*d.* a year. This payment is made up in the following manner: Almswomen.

	£.	s.	d.
1st. Annual sums paid by the corporation in respect of various gifts made at different times, on condition of such sums being annually paid to the charity, viz.:			
Mrs. Wyke's gift - - - - £. 5			
Mr. Lush's ditto - - - - 5			
Mrs. Murrell's ditto - - - - 5			
Chubb's ditto - - - - 6			
Jesse's - ditto - - - - 1 4			
	22	4	–
2d. Charge on lands belonging to Lord Rivers - - -	26	–	–
Charge on lands in St. James's - - - - - -	1	–	–
3d. Mr. Bennet's gift of 100*l.*, which is lent on interest at five per cent., and secured by a promissory note - - -	5	–	–
4th. Voluntarily paid by the corporation - - - - -	4	14	8
£.	58	18	8

The other heads of expenditure require no explanation, and their amount will sufficiently appear from the following Abstract, which contains an account of the corporate revenues, and of the application of them for the last three years: Income and Expenditure

From Michaelmas 1830 to Michaelmas 1831.

RECEIPTS:	£.	s.	d.	EXPENDITURE:	£.	s.	d.
Rents - - - - - - - -	129	15	10	Almswomen - - - - - -	58	18	8
Dividends on £.525. 4*s.* New 3½ per Cents.	18	7	6	Quit Rent, Land Tax, &c. - - -	13	17	–
Balance, being excess of Expenditure -	23	9	4	Salaries, &c. - - - - - -	24	1	–
				Ringers - - - - - - -	2	12	–
				Fee to Leet Jury - - - - -	1	1	–
				Mayor's Dinner - - - - -	56	10	6
				Works and Repairs - - - -	12	2	–
				Petty Disbursements - - - -	2	10	6
£.	171	12	8	£.	171	12	8

From Michaelmas 1831 to Michaelmas 1832.

RECEIPTS:	£.	s.	d.	EXPENDITURE:	£.	s.	d.
Rents - - - - - - - -	123	8	4	Balances of former Accounts - - -	33	1	10
Dividends on £.525 4 *s.* New 3½ per Cents.	18	7	6	Balance overdrawn at Banker's - -	22	10	–
Produce of £.75 Stock sold out - -	68	2	7	Almswomen - - - - - -	58	18	8
Balance, being excess of Expenditure -	1	10	11	Quit Rent, Land Tax, &c. - - -	13	16	–
				Salaries, &c. - - - - - -	19	13	6
				Qualifying at Sessions - - - -	5	13	–
				Ringers - - - - - - -	2	12	–
				Fee to the Leet Jury - - - -	1	1	–
				Mayor's Dinner - - - - -	40	2	4
				Works and Repairs - - - -	11	14	8
				Petty Disbursements - - - -	2	6	4
£.	211	9	4	£.	211	9	4

From Michaelmas 1832 to Michaelmas 1833.

RECEIPTS:	£.	s.	d.	EXPENDITURE:	£.	s.	d.
Rents	157	18	–	Balance of former Account	1	10	11
Dividends on £.450 4s. New 3½ per Cents.	15	15	–	Almswomen	58	18	8
Balance, being excess of Expenditure	5	–	2	Quit Rents, Land Tax, &c.	15	15	–
				Salaries, &c.	24	15	–
				Qualifying at Sessions	6	5	–
				Ringers	2	12	–
				Fee to the Leet Jury	1	1	–
				Mayor's Dinner	45	13	6
				Works and Repairs	17	11	3
				Petty Disbursements	4	10	10
£.	178	13	2	£.	178	13	2

Future Income.

The probable future Income of the corporation will be as follows:

	£.	s.	d.	£.	s.	d.
Amount of rental	£.133	9	6			
Deduct charges on lands	27	–	–			
				106	9	6
Dividends on stock				15	15	–
Interest of loan to trustees of almshouse				14	–	–
Average of fines				70	–	–
			£.	206	4	6

State of the Town.

8. The Town of Shaftesbury is not in an improving state. No manufactures are now carried on there, and the parishes within which it lies are greatly burthened with poor. The population of the borough in 1831, was 2742.

Magistracy.

There is at the present time no want of County Magistrates in the immediate neighbourhood of Shaftesbury, and one resides in the town. But the supply of justices for the county in any particular neighbourhood is always a matter of uncertainty; and it would therefore perhaps be for the public convenience, that the jurisdiction of the resident borough magistrates should be extended to a neighbouring district. It is a curious fact that the enlargement of the borough bounds, both for magisterial jurisdiction and for other purposes, was contemplated in the time of James I. The draft of a projected charter of that reign is still in existence; and it provided that the circuits, precincts, jurisdictions, franchises and liberties of the borough should be extended to the villages, hamlets, parishes and liberties of Barton, Cann, Melbury, Alcester, Twyford, Compton and Fontnell Magna; a territory fully equal in extent to the modern borough of Shaftesbury. The reason why the above-mentioned parishes and places were taken into the contemplated boundary, was that they all originally belonged to the Abbess of Shaftesbury, and that the tenants were accustomed to attend the Court Baron at Shaftesbury, from three weeks to three weeks.

Edw. J. Gambier.

Documents accompanying this Report:

1. Copy of the Governing Charter, 22 Mar. 17 Car. II.
2. Table of Fees in the Court of Record.
3. Fees of Town Clerk and Attornies in the Court of Record.

REPORT

ON

THE CORPORATION OF WAREHAM,

(DORSETSHIRE.)

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CORPORATION OF WAREHAM.

1. THE Limits of the jurisdiction of the corporation of Wareham comprehend the in-parishes of the Holy Trinity, Lady St. Mary and St. Martin. Two decayed parishes, called St. Michael, and St. Peter, were formerly distinct parishes also within the borough, but they are now annexed to the parish of Lady St. Mary. A portion of land, called Eastmore, on which there are no houses, is the only detached part of the borough. LIMITS.

The new Borough takes in all the out-parishes of the Holy Trinity, Lady St. Mary and St. Martin; the chapelry of Arne, which is a chapelry within the out-parish of the Holy Trinity; the whole parish of Corfe Castle; the whole parish of Bere; part of the parish of East Stoke; and part of the parish of Morden. Additions by the Boundary Act.

2. The ancient History of Wareham is involved in a good deal of obscurity. Whether it was a corporation by prescription, seems to be a matter of considerable doubt. The ancient records of the corporation are stated to have been lost long before the memory of any living person. Hutchins, in his History of Dorset, mentions a circumstance, which shows that there was a mayor of Wareham in the reign of Richard II. Such an officer certainly existed in the reign of Henry VI.; for a Book of Constitutions, made in the 7 James I., and now in the possession of the corporation, recites, that divers Constitutions were made at Wareham, in 29 Henry VI., by Stephen Allen, mayor there, and divers others, burgesses and inhabitants of the same borough, for the good government of the people, at which time the said borough was in the tenure of the King's Majesty. HISTORY.

It appears to be probable, that between the time of these constitutions, in the reign of Henry VI. and the period at which certain new constitutions were made in the 7 James I., no charter of incorporation was granted to the borough of Wareham; for these latter Constitutions are made without reference to any grant of municipal authority by charter, being founded wholly upon the ancient custom of the manor and borough: nor is there any trace of such a charter being granted subsequently to the making of these ordinances, and at any period before the second year of Queen Anne, when a complete charter of incorporation was bestowed upon the borough. It is therefore likely that all grants by royal charter were made at an early period; and it seems to be reasonable to conclude, that some such grants were, in fact, made, both from the early existence of such an officer as a mayor, and from two other facts, which appear in the Constitutions made in the 7 James I.;—one, that besides a mayor, there were five other persons in the borough, called Magistrates; the other, that there was, at that time, a three weeks' court of record in the borough, held before the mayor.

3. Under the charter of Anne, which is the sole governing charter, the Corporation is styled, "The Mayor, Capital Burgesses and Assistants of the Borough of Wareham, in the County of Dorset." It consists of a mayor, six other capital burgesses and twelve assistant burgesses. CORPORATE BODY. Style. Constitution.

The Mayor is elected from the capital burgesses, on the first Monday after the 8th September, by a body composed of the mayor, the six other capital burgesses and the assistant burgesses, or the major part of them. A majority of this entire body is deemed sufficient, and it is not considered necessary to have a majority of each part. The capital burgesses are always taken in rotation to fill the office of mayor, unless a capital burgess has been newly elected, in which case he is at once chosen into it. The mayor takes the oath of office on the first Tuesday after the feast of St. Luke, (St. Luke's day being the 8th October,) before the preceding mayor. His year begins from that day. He continues in office not only for the year, but also until his successor is elected and sworn in. If the mayor dies before the expiration of his year, another is appointed in the same way, for the residue of the time. Mayor.

The mayor is required to be resident: in case of sickness, or absence for a reasonable cause, he is empowered to appoint a deputy. Several instances have occurred, within the last 30 years, of such appointments taking place: they are made in writing, and the deputy takes an oath before two of the capital burgesses. Deputy Mayor.

The Capital Burgesses, who by usage are also called Aldermen, are chosen from the assistant burgesses, by the same body which elects the mayor. The senior assistant burgess is generally asked by the mayor to become a capital burgess: if he refuses, the next in seniority is asked. There have been several instances of assistant burgesses refusing to take the higher rank in the corporation. The assistant burgess who accepts the mayor's offer is proposed by the mayor; and though all the assistants are put down as candidates, Capital Burgesses.

WAREHAM.

Residence. candidates, and the form of an election or poll is gone through, yet the mayor's candidate is always chosen. The assistant burgess must be a Resident, in order to be elected a capital burgess. The capital burgesses are all required to be resident.

Assistant Burgesses. The Assistant Burgesses are chosen by the mayor and other capital burgesses out of the freemen, who, in order to be eligible, must be inhabitants and residents. The assistant burgesses are known in the borough by the name of common councilmen, but the appellation of common council is given by the charter to the whole body of capital and assistant burgesses.

The numbers both of capital burgesses and assistants are now full, and it is the practice to keep them so.

Freemen. The Freemen are chosen out of the body of inhabitants by the mayor, capital burgesses and assistants. There are now only five freemen, three of whom are non-resident, and therefore not eligible to the higher classes of the corporation. The practice has been to keep only a small number of freemen. The last election of freemen took place in 1827.

The only privilege enjoyed by them, except that of being exclusively eligible to the office of assistant, is, that on opening a shop in the borough, a freeman does not pay the fee or fine of 3*s.* 4*d.* which is, with some exceptions, payable by every stranger. This sum is payable to the use of the Mayor. It is the only vestige which remains of those restraints of trade which formerly existed, and many of which were imposed by the Constitutions which have been alluded to as having been made on the 1st November, in the seventh year of James the First. The fine is by those Constitutions imposed upon any stranger coming to use his trade in the borough, unless he were born or served an apprenticeship in the town; and it is payable for opening the windows of his shop.

Fees on Admission. A freeman on his admission pays a fee of 1*l.* to the town clerk; an assistant burgess pays him 1*l.* 4*s.*; a capital burgess 1*l.* 7*s.* 8*d.*

Removal. The mayor, capital burgesses and assistants are removable for misbehaviour in office or other reasonable cause, by the body, consisting of mayor, capital burgesses and assistants. The power of removing the recorder and town clerk is given to the mayor and other capital burgesses.

Officers. 4. The Officers of the corporation, besides the mayor, are, a recorder, justice, town clerk and serjeant at mace.

Mayor. The Mayor is a justice of the peace for the borough and a judge of the court of record. He is by prescriptive right coroner, not only for the borough, but for the whole of Purbeck and the Isle of Brownsea, and this right is still exercised and allowed.

Mayor's Income. Quay Dues. The Mayor receives all the revenues which can be considered as corporate property. These consist of quay dues, market dues and profits of fairs. The Quay Dues were not thought worth collecting for a considerable number of years, but they have been lately collected again, and from February to July in the last year produced the sum of 4*l.* 19*s.* 1½*d.* It is said that 30 years ago they amounted to as much as 36*l.*, and it is estimated that at the present day, if enforced, they would average 30*l.* a year.

These quay dues were first imposed by the above-mentioned Orders and Constitutions of 1 November, 7 James I., and those of the Constitutions which relate to this subject appear to have derived all their force and validity from the circumstance of their being made not only by the members of the corporation, but conjointly with the individuals who were at that time the owners of the manor and borough of Wareham, and therefore in all probability proprietors of the soil. One of these Constitutions provided that, in order that the quay might be well repaired and maintained, every boat or vessel bringing any merchandize or other things to the quay, and there unloading the same, should pay 2*d.* for anchorage, and every cart remaining on the quay to carry away the same merchandize, should also pay 2*d.* for the use of the mayor and town. Also, by another of the same Constitutions, any person leaving stones, timber and other merchandize of the same kind on the quay five days after being unladen, should pay 12*d.* to the lord of the manor. The right to take quay dues, so far as the lord of the manor could convey it, was by articles of agreement entered into a few years later, namely, on 3d August 1614, granted to the mayor and his successors, who were to enjoy all manner of profits of the quay and wharf of Wareham, or whatever should arise from wharfage tolls or duties or customs, the soil or freehold of the same wharf always excepted.

Market Dues. The profits of Markets and Fairs, also taken by the mayor, are now let for 10*l.* a year, and that rent is said to be a very low one. A great portion, if not the whole, of this source of revenue was granted by the same instrument of 1614.

Of all the annual dues and profits thus conveyed to the mayor and his successors, whether arising from the quay or the markets, it was provided by the agreement that a certain division should be made. The town constables were to be allowed 2*d.* for every shilling of them which they collected; and of what remained one moiety was to be paid to the mayor for the time being towards defraying the expenses of his mayoralty, and the other half was to be disposed of for the common benefit of the town and borough for the public use. It does not appear that this division now takes place with respect to the market dues; but on the quay dues the 2*d.* are assigned to the collector, 5*d.* to the mayor, and the remainder is applied

applied to the repair of the quay. This application of the latter portion of these receipts has been made because there would otherwise be no fund for repairing the quay; the Members for the borough, who formerly bore that expense, having now ceased to take it upon themselves. WAREHAM.

The expenses of the mayor are greater than his receipts. He gives a dinner at the sessions, and pays a fee of two guineas to the recorder.

The Recorder is appointed by the mayor and capital burgesses for life, and on his appointment pays to the town clerk the same fee as is paid on the admission of a capital burgess. He is not required to be resident. He is one of the justices of the borough, and holds the sessions with the mayor and third justice, but he is not called upon to take any part in the ordinary duties of magistrate, unless there is a necessity for his acting. The recorder may appoint a deputy, and this power has occasionally been exercised. The only emolument received by the recorder is the fee of two guineas, which has been mentioned as payable by the mayor. Recorder.

The office of third Justice for the borough is filled by the mayor of the preceding year, who continues in it for the year subsequent to that of his mayoralty. Justice.

The borough magistrates have exclusive jurisdiction, and the county magistrates never interfere in any matters arising in the borough.

The Town Clerk is elected by the mayor and capital burgesses for life. He is clerk of the peace, clerk to the magistrates, and acts as officer of the court of record. As town clerk he has no emoluments, except the fees payable on the admission of freemen and burgesses, and on the appointment of a recorder. There are scarcely ever any fees received at the sessions. As clerk to the magistrates, he has the same fees as those payable in the county. Town Clerk.

The Serjeant at Mace is appointed by the mayor and capital burgesses, and continues in his office during their pleasure. The present serjeant was appointed in 1779. The serjeant is the crier of the court at sessions, and executes all the process of the court of record; he also acts as a peace officer within the borough. On his appointment he enters into a bond to the mayor, with two sureties, for the due execution of all warrants, precepts, process, &c. He receives no pay from the corporation, but derives some advantage from being the town crier. Serjeant at Mace.

5. The Courts held within the borough are, the Sessions, a Court of Record and a Court Leet. COURTS.

The Sessions are held before the justices of the borough, or any two of them. The jurisdiction of the court is as extensive as that of the county sessions; but as Wareham contributes to the county rate, all cases of indictable offences, arising within the borough, are now sent to be tried by the justices of the county. Sessions.

A Grand Jury is always summoned for the sessions. The serjeant-at-mace makes out the list, selecting for the grand jury the principal householders of the borough. The grand jury, after receiving their charge in court, perambulate the town, and return to make their presentments; and this now comprehends the whole of the duties which they have to discharge. A petty jury used to be also summoned to attend the sessions, but the practice of summoning it was dropped four or five years ago, and has not been revived. Juries.

The Court of Record, having jurisdiction in all actions personal or mixed arising within the borough to the amount of 40*l.*, is held before the mayor or his deputy on the first Monday in every month; and by the charter the mayor is empowered, by process directed to the serjeant-at-mace, to bring the matter to issue by summons, attachment or distress, and for defect of chattels and land of the defendant within the borough, whereby he may be summoned, attached or distrained, then to proceed by attachment of his body. The mayor and his deputy are however prohibited from trying any issue, whether of fact or of law, unless the recorder or his deputy be present. The proceedings are in other respects similar to those of the superior courts. Court of Record.

This court, though regularly opened every month, has now fallen into disuse, no issue having been tried in it since 1747. No table of fees is in existence, nor are there any bills of costs remaining; but it is understood that the fees were about one-half of the fees in the courts above.

The Court Leet for the borough is held before the steward of the lord of the manor, the manor not belonging to the corporation. At that court two constables are appointed for the borough; and it is usual for the steward as a matter of courtesy to send four names to the mayor, for him to nominate two out of that number to be constables for the year. Court Leet.

There is no Gaol or House of Correction within the borough. A lock-up room, of which the serjeant-at-mace and constables have keys, has been occasionally used for confining persons arrested on mesne process from the court of record; but no instance of the sort has occurred within the last 20 years. Gaol.

WAREHAM.

POLICE. 6. Besides the serjeant-at-mace and constables, there are no peace officers belonging to the borough. The town is neither lighted nor watched.

REVENUE. 7. The corporation have no revenues, except those which have been already mentioned as vested in the mayor and his successors. The burden of repairing the lower part of the town hall, and some other expenses, are provided for by a yearly subscription among the capital burgesses. The upper part of the town hall belongs to the lord of the manor.

STATE OF THE TOWN. 8. The trade of Wareham, which is within the port of Poole, consists principally in the export of the fine clay found in the parish of Corfe Castle, and in other places in the neighbourhood of Wareham, for the use of the Staffordshire and other potteries in different parts of the kingdom. The total quantity of this clay exported from the Isle of Purbeck, is said to exceed 30,000 tons in the course of the year. What proportion of this supply is shipped from the quay of Wareham, cannot be ascertained.

Vessels of about 25 tons anchor at the town quay, and vessels of 50 or 60 tons can come to an anchor within about half a mile of the quay, at spring tides; but at all tides vessels of several hundred tons can anchor at Russell Quay, which is rather more than three miles from the town, and a little below the conflux of the two rivers, the Frome and the Piddle.

Population. Upon the whole, the town of Wareham cannot be said to be in a declining state. Its population is said to be increasing. In 1831, the following were the numbers in the Old Borough, and in the district which has been added by the Boundary Act:

Old Borough, viz.:		
In-parish of the Lady St. Mary	1,034	
Ditto - Holy Trinity	328	
Ditto - St. Martin	314	
		1,676
Out-parish of the Lady St. Mary		86
Ditto - Holy Trinity		347
Ditto - St. Martin		216
Chapelry of Arne		171
Parish of Corfe Castle, viz.:		
Borough	960	
North Division of the parish	436	
South ditto of ditto	316	
		1,712
Parish of Bere		1,483
Part of East Stoke, united with the borough		28
Part of Morden, ditto		55
Total Population of the New Borough		5,774

Edwd J. Gambier.

PAPERS accompanying this REPORT.

Copy of the Governing Charter, dated 23d August, 2 Anne;
Revised List of Voters for the Borough;
Return of Names, &c., of Officers of the Corporation.

REPORT

ON

THE CORPORATION OF WELLS,

(SOMERSETSHIRE.)

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Population	1374

CORPORATION OF WELLS.

1. THE Boundary of the City of Wells is marked out by a Charter dated 23 July, 31 Eliz.; and some of the local points there mentioned are still to be recognized, particularly those to the north, the west, and the south, on which sides, indeed, there is very little doubt as to the proper limits of the city. But some confusion has arisen on the north-east side of the town, where there are about ten acres, with about fifteen houses standing upon them, on which the city magistrates do not appear to have exercised any jurisdiction, nor have the persons serving apprenticeships there claimed a right to the freedom of the city. LIMITS: Boundary fixed by Charter Elizabeth.

The city is situated in the centre of a large parish called St. Cuthbert, which contains many hamlets, and extends in every direction beyond the city. The whole of what is called the in-parish of St. Cuthbert is within the boundaries of the city, which also extends into four tithings of the out-parish, Burcot, Milton and Wellcombe, Coxley and West Horrington. The liberty of St. Andrew's, in which the cathedral, the bishop's palace, and other houses are situated, is locally within the circuit of the city; but it is not subject to the jurisdiction of the magistrates of Wells. The present town-hall formerly stood in this precinct; but it was taken out of it by an Act of Parliament, 19 Geo. III. intituled, "An Act for building a new Assize or Town Hall, &c." On the east side of the city is a suburb called East Wells, through which the boundary line runs, cutting off about 72 houses. The doubtful portion of territory which has been mentioned is to the north of East Wells, and in the tithing of West Horrington; and it seems that no very conclusive evidence can be obtained to determine whether it is properly within the city bounds or not.

The charter of Elizabeth, which sets out the boundary, empowers the mayor, masters, and capital burgesses to make Perambulations of the city; and it is probable that, until of late years, the city bounds were perambulated from time to time; for several old boundary stones still remain, with the letters W. C. upon them. There has been no perambulation by the city authorities within the memory of living witnesses; but the parish officers of the inner parish have, on several occasions, made perambulations which were intended to be of the inner parish, but which took in some parts of St. Cuthbert's that are rated, not to the in-parish, but to some other of the parochial subdivisions; and it is remarkable that the stones marked W. C., some of which are clearly not in the in-parish, denote what has been perambulated as the boundary of the in-parish, but which is in all probability the real limit of the city of Wells. Perambulations.

The new Boundary of the city under the Reform Act takes in the whole of that part of the town which is called East Wells, and comprehends also the disputed territory: in all other quarters it follows the recognized boundary of the city, uniting with it the liberty of St. Andrew's, for the purpose of the elective franchise only. Additions by the Boundary Act.

2. The earliest Charter in the possession of the corporation is dated 7 September, 3 John: it erects the town of Wells into a free borough, constituting the men of it free burgesses, and granting a Sunday market and five annual fairs. The next charter among their muniments, relating to their municipal privileges, bears date the 23 May, 20 Elizabeth. It is nothing more than a charter of inspeximus and confirmation, referring to other intermediate charters of the same kind, of 20 January, 2 Henry VI.; 21 November, 1 Henry IV.; 6 December, 1 Richard II.; and 10 June, 18 Edward II.; and reciting at length the above-mentioned charter of King John. HISTORY: Early Charters.

Together with these charters, the corporation have also preserved two grants, one of 17 May, 1 Mary, the other 16 February, 1 & 2 Philip and Mary, which are recited in the governing charter of Elizabeth. They have also the exemplification of a pardon granted by one of the Henries, which is only mentioned on account of the various titles by which it designates the corporate body, addressing them as the mayor or master, burgesses, and commonalty of the town or vill of Wells; *alias*, the mayor, master, and commonalty of the town or city of Wells; *alias*, the master, burgesses, commonalty, and inhabitants of the vill or borough of Wells.

The charter of John did not give any precise Constitution or Government to the town of Wells; nor, indeed, were the burgesses thereby formed into a corporate body at all, unless the use of the term "free town" and "free burgesses" necessarily implied a creation of corporate functions. For many years after this charter, the government of the town was under a master, who, together with the free burgesses or commonalty, formed the whole community, all bye-laws and ordinances being made in convocations consisting of the entire body thus composed. The council books go back as far as 4 Richard II., but the early entries throw no light on the constitution of the corporation. They are missing from 1665 to 1687. In the 10th year of Henry the Fourth, we find a distinction existing among the burgesses, but at what time it first arose cannot be clearly ascertained. A certain number of the burgesses were then called *majores*, and the rest were termed *mediocres burgenses*; but it does not appear that the former had any peculiar powers or privileges, and the whole assembled Early Constitution. Origin of the Common Council.

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sembled body was still called the Master and Commonalty. In that year, it was in full convocation agreed, by the master and commonalty, that twelve of the *majores* and twelve of the other burgesses should be nominated and elected as a Town Council. It should seem that this resolution was not at that time carried into effect; for we find in the 15 Henry VI. another vote of the whole commonalty, that there should be twenty-four of the more eminent and discreet men for the due government of the whole commonalty, according to the statutes then made or thereafter to be made. In the 23 Henry VI. a further order was made to the same effect, and twenty-four persons were then appointed. In the 7 Edw. IV. we find the number of this council reduced by deaths to five, and the master and four others, who were the survivors on that occasion, met, and chose others to fill up the number of twenty-four.

Charter of Elizabeth.

This constitution of the body in all probability continued down to the reign of Elizabeth, when the present Governing Charter was granted. Before that event took place, a *quo warranto* information (as appears by an exemplification of the proceedings in 24 Eliz.) was filed against the master and commonalty of Wells; and in their plea the defendants, besides claiming a right to elect a master, a town clerk, two shamble wardens, four scavengers, and two water wardens, allege that they have a convocation of the master and twenty-three assistants. The plea is admitted in the replication, and judgment was given in favour of the defendants.

Charter of Charles II.

By the second charter of Elizabeth, the corporation was constituted in the same form which it now presents. That charter was surrendered in the reign of Charles the Second, and a new charter granted, bearing date 10 January, 35 Car. II., by which a new body was constituted, consisting of a mayor, aldermen, and burgesses. There was also another charter granted to

Charter of James II.

Wells, dated 1 September, 4 Jac. II., containing the usual clause for the removal of officers by the Crown. Under these two charters, the corporation continued to act until the 1st

Return to old Charters.

November 1688, when those persons who were members of the corporation at the time of the surrender (which had not been enrolled) assembled together, and returned to their old

Governing Charter.

charters, by virtue of the King's proclamation. The present Governing Charter is dated 19 July, 31 Eliz. It was followed by another charter, dated 23 July in the same year, settling the limits of the borough, and granting a court of record and other powers, which will be more particularly mentioned hereafter.

CORPORATE BODY: Title and Constitution.

3. The corporation, as constituted by the charter of Elizabeth, is styled, "The Mayor, Masters and Burgesses of the City or Borough of Wells, in the County of Somerset." It consists of a mayor, seven masters, sixteen capital burgesses, and an indefinite number of burgesses. There is a recorder, who was made an integral part of the elective body, which chose the first sixteen capital burgesses after the charter of Elizabeth; but as that power is not continued to him in subsequent elections of capital burgesses, and as the only part which he now sustains in the elections is that of being present when the masters are sworn, it is not necessary to consider his functions in this place.

Mayor.

The Mayor is chosen by the common council, a majority of which, including the preceding mayor, whose presence is necessary, constitutes an elective assembly for the purpose. For many years, a majority of the existing number of the common council was thought to be sufficient, that is to say, less than thirteen, when the common council was not full, until about the year 1826, when some *quo warranto* informations were filed, which settled the point, and established the present practice. By the effect of these proceedings, the mayors, for six years, were declared to be badly elected, and also the officers elected under them. It is stated that as many as five capital burgesses, and sixty or seventy common burgesses were then removed. By inadvertency, this present year (1833) there has been an irregularity in the election of a mayor. On the 14th September, a full legal assembly not having been made, the election took place upon the 16th. On this latter day twelve capital burgesses attended; but the mayor was not present, and the election proceeded with the twelve alone. The mayor so elected was sworn in, but, on a *quo warranto* information of Michaelmas Term, disclaimed; and at the very time of our inquiry at Wells, a mandamus had come down commanding the masters and capital burgesses to elect another mayor.

The mayor is always taken from the masters, but no particular order or rotation is observed in the choice of persons to fill the office. An instance has been known of a capital burgess being elected mayor on the 14th September, but in that case he was sworn in a master before the 30th September, the day on which the mayor is sworn, and on which his year of office begins. If, indeed, a capital burgess were elected to succeed a mayor who had been a master, and the number of masters were previously full, there would be more than the chartered number of the latter, for the mayor, who has been a master, falls back upon that body when his mayoralty expires; and this, it may be mentioned, was the number of *de facto* masters on the disclaimer of the mayor, elected in September 1833, there being no provision in the charter to continue the late mayor in office until a successor is sworn in.

The mayor is sworn before his predecessor, in the presence of three masters and six other capital burgesses. If he dies, or is removed during his year, the charter empowers the capital burgesses to appoint another for the remainder of the year. No fine has been imposed in modern times for non-acceptance of the office of mayor. Indeed, no instances of refusal have occurred, and if any bye-law on the subject exists, it is so long since there has been occasion to enforce it, that its existence is hardly known to the officers of the corporation.

Masters.

The Masters are elected by the common council for life from the number of the sixteen capital burgesses. There is no rule as to the capital burgess who shall be taken to fill up the

the vacancy. No refusal has ever been known to take place after the election was concluded, though on some occasions the persons proposed as masters have resisted the appointment by voting against themselves. A newly elected master is sworn before the mayor, recorder and six other capital burgesses.

Capital Burgesses.

The Capital Burgesses are elected from the burgesses at large by the same body that choose the masters. They are elected for life. They are directed by the charter to take the oath of office before the mayor, masters and the other capital burgesses, or the greater part of them.

Bye-law as to Residence.

There is an old Bye-law made in 10 Jac. I. which orders that every one of the twenty-four shall reside within the town, and that none shall dwell out of it above three months in the year without the special license of the mayor and majority of the twenty-four. Those who do to the contrary to be discommuned *ipso facto*. This bye-law has not been repealed, and has been acted upon in numerous instances by persons being removed, but not within the last 50 or 60 years. In 1828, a master was removed for non-attendance at corporate meetings.

Removal.

Burgesses.

Persons become Burgesses by being admitted *ex gratiâ* by the common council, after being first admitted of one of the three trading companies in the town. There is a large body of freemen now considered as distinct from the burgesses, who acquire their right to become free by certain means which will hereafter be stated; but the burgesses are not now, nor have they been for many years necessarily elected from the freemen. Indeed for many years before the passing of the Reform Bill, the burgesses were generally chosen for election purposes, and many of them were non-residents and strangers to the town.

There were at one time two bye-laws, which required that a burgess or capital burgess should be put in nomination thirty days before his election took place. That regulation was repealed in June 1828; but in the August following a bye-law passed, enacting, that the intention of electing a master, capital burgess or burgess must be specially noticed in the summons for calling the common council.

The burgesses have no corporate duties to perform except that they are summoned to attend the convocation when the mayor or a new burgess takes the oaths.

Fees on Admission of Burgesses.

On admission of a Burgess there are Fees paid which amount, together with the stamp, to 6 *l.* 19 *s.* 6 *d.*:—

	£.	s.	d.
Stamp and Parchment	3	1	–
Town Clerk's Fee	1	1	–
Gloves for the Burgesses	1	8	–
To the House	–	9	6
Bell-ringer	–	5	–
Serjeants at Mace	–	5	–
A Treat for the Burgesses	–	5	–
To the Mayor a Fee (which generally goes to the Treat)	–	5	–
£.	6	19	6

These fees vary in some respects from the amount at which they were fixed in the year 1766. The fee to the town clerk was then 5 *s.*; there was a donation to the almshouse, 2 *s.* 6 *d.*; no bell-ringer's fee. The other fees the same. The town clerk's fee was afterwards ordered to be a guinea, but not by any written bye-law. There was perhaps no reason to complain on the subject of the fees, as from the time they were raised, no one has been able to demand admission into the corporation as a matter of right.

Freemen.

The right, exercised on the part of the common council, to reject Freemen and to choose those burgesses who had no inchoate right, seems to have sprung up in comparatively modern times. It may be worth while briefly to state the history of the transactions which have in the course of time, and by gradual changes, led to the strange anomaly, which we find in this city, of a body of freemen who are entitled to vote for their representatives in Parliament, and yet are considered as being excluded from a corporation which is unlimited in its numbers. We shall, in the first place, show by what means persons acquire the right of freemen; secondly, what connexion existed between them and the corporation in former times; and, thirdly, by what means that connexion appears to have been dissolved.

Mode of acquiring the Freedom.

By Birth.

The right to the Freedom of the City of Wells is gained in three ways: 1. By Birth; 2. By Marriage; 3. By Apprenticeship. As to the qualification by Birth, it belongs to the eldest son of a burgess; but the son must have been the heir apparent of his father at the time the father was made a burgess, or must have been born the eldest son afterwards. If there were an elder son, who was living when the father became a burgess, or afterwards, and who subsequently died, the second son, upon becoming heir apparent to his father, would not be entitled to the freedom; and it is deserving of remark, that it is the eldest son of a burgess only, and not of a freeman, who now acquires this right.

By Marriage.

The right by Marriage is acquired by the person who marries either the eldest daughter or the widow of a burgess. The daughter must be such daughter as was the eldest at the time when the father was made a burgess, or was born so afterwards. If she was previously married, she would still confer the freedom of the city upon her husband, upon her father becoming a burgess.

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By Apprenticeship.

The freedom by Apprenticeship is obtained by any one who serves seven years under indentures to a trade within the city, or by the eldest son of a freeman who serves his father seven years without indentures. The servitude must be within the limits of the city, that is, the master must carry on business and the apprentice must reside within the city. The indentures are not enrolled in the town clerk's office, nor are they signed by the mayor.

Trading Companies.

In order to complete their right, all these persons having an inchoate claim to be free must be admitted of some one or other of the Trading Companies in the city. Of these companies there were originally seven: Mercers; Innholders; Worsted-men, Stocking-makers, or Woolcombers; Butchers; Hammermen; Cordwainers; Tailors; but only the three last are now kept up. The mercers were discontinued only two years ago; the innholders, twenty-five years ago; the butchers and stocking-makers about forty years ago.

It appears by an order of the convocation in 1721, that the common council at that time claimed a right, before any person could be admitted of a company, to approve or reject his claims to be so admitted. The mayor, on that occasion, told the convocation that no one, to his knowledge or belief, had been denied his freedom that was entitled to it, nor any approved that had not a just claim thereto. He complained of the conduct of some of the companies, particularly of the Worsted Company and the Cordwainers, and stated that he had great reason to believe that there had been many persons clandestinely admitted of late into these two companies who never served their apprenticeship in the town, nor otherwise became duly qualified to be freemen. He then mentioned the riots that took place almost nightly in the town, by persons in great numbers running up and down the streets with clubs in their hands, headed by persons of distinction, and crying, "Down with the Bye-laws." In another part of the same document, the mayor states that he told those who applied to him to admit certain persons as burgesses, that as they were acquainted with the custom of the town, they must know that no one could be sworn a burgess before he was a regular freeman, and that no man could be a regular freeman before he had the approbation of the mayor and corporation. The council then appointed a convocation to take place at a future day, in order to examine the claims of such as desire to have their freedom approved. It further appears by this order of the common council, that they supported the power claimed by the mayor, with the approbation of his brethren, to regulate all the companies, and to make proper ordinances for their government. It was also said, that there being already in every company a sufficient number of sworn burgesses to serve the offices of masters and wardens, there could be no necessity of swearing any more burgesses at present, and that if all should be sworn burgesses as desired, there would not be one ordinary freeman left to serve the inferior offices of the town.

From this entry it is clear that the corporation interfered directly in the admission of freemen into the companies; that they considered the freemen at that time as the stock from which the burgesses were to be created, and that they considered no one as eligible to be a burgess who had not gained his freedom in one or other of the regular and ordinary ways. The right of the mayor and common council to regulate the trading companies of the town has long been abandoned in practice; their claim to approve of freemen before they are admitted into any company has also been given up; and lastly, their connexion with the real body of freemen has been finally dissolved by their electing indifferently natives and strangers, qualified and unqualified persons to be burgesses. In thus forming a numerous and powerful body of electors, which might destroy the effect of the freemen's votes, the common council seem to have committed a glaring violation of the rule which they had themselves laid down as the custom of the town, that the persons admitted as burgesses should have been regular freemen who had served apprenticeships in the town, or who otherwise became duly qualified to be freemen. The claim of the common council to make burgesses *ex gratiâ* is said to have been supported by the House of Commons in 1766 or 1768, and has been freely exercised ever since. For some years there has been no difficulty in obtaining admission into two out of the three companies now existing; the third, that of the tailors, is more closely confined to their own trade. A small fee is payable on admission; in the Cordwainers Company it is one guinea. Many persons are now admitted into these companies who have no claim to be made free of the city, and with no intention of taking up their freedom, as they have now the character of clubs rather than of trading companies. The tailors' company is the only one possessing property.

The total number of burgesses and freemen of every description in 1830, was about 460; of these about 260 were living beyond the distance of seven miles from the town; the number within the seven miles and registered is 166.

Privileges and Exemptions.

All the common councilmen and burgesses are exempt from serving parochial offices. The only Privilege to which the freemen were entitled before the Reform Act was the right of voting for Members of Parliament; their claim to the elective franchise was one of the subjects in dispute with the corporation both before and at the time of the troubles and disturbances which took place in 1721; it appears to have been contested in 1710, in 1714 and in 1721, and finally to have been allowed by the House of Commons in 1729.

The members of the corporation, in common with all the inhabitants of the city of Wells, are exempt from serving on county juries. This general exemption appears to be now undisputed, though by the charter of 23d July, 31 Eliz., it appears to extend to burgesses only.

Ruling Body.

All the powers belonging to the corporation are vested in the Mayor, Masters and other Capital Burgesses composing the Common Council. By the charter they have authority

Bye-laws.

(the mayor and two masters being present) to make bye-laws for the government of the burgesses

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burgesses and inhabitants of the city, and for declaring in what manner and order the mayor, masters and burgesses, artificers, inhabitants and residents shall conduct themselves in their offices, misteries, arts and business within the city. The bye-laws which are now considered in force apply altogether to the government of the corporate body and of its own officers.

Fines, &c.

Power is also given to the common council in making bye-laws to impose punishments and penalties, by Fine and Imprisonment, for the violation of them; all such orders as were ever made in these respects are considered obsolete; and there seem to be no fines which are now regarded as remaining in force.

There are only two regular chartered meetings of the common council in the course of the year, on the 14th and 30th of September; all other meetings are summoned by the town clerk under the directions of the mayor.

Insolvency or bankruptcy is not considered a disqualification for the common council. There have been some members of it who were insolvent, and some who were bankrupts, masters as well as capital burgesses, and who afterwards continued to be of the common council.

Officers:

4. The Officers of the corporation, besides the mayor, are as follow:—

Recorder,	Bailiff of the Bailiwick,
Justice,	Clerk of the Market,
Town Clerk,	Day Bellman,
Two Chief Constables,	Night Bellman,
Receiver or Chamberlain,	Two Conduit Wardens,
Two Renters or Receivers of Lord's Rents,	Two Shamble Wardens,
Churchwarden,	Two Street Wardens,
Three Surveyors of Corporate Property,	Beadle.
Two Serjeants at Mace,	

Mayor.

The Mayor presides at corporate meetings, is a justice of the peace for the city, holds the quarter sessions with the recorder or justice, and is also constituted one of the judges of the local court; he sits usually once a fortnight in petty sessions, but there is generally a special meeting between the ordinary ones.

The present stipend of the mayor is 65*l.* a year; it was 105*l.* a year for many years, and was reduced to its present amount about two years ago; out of this allowance the mayor provides two entertainments, one on the 14th, the other on the 30th September.

Recorder.

The Recorder is elected by the common council, and he holds his office during good behaviour; he is a justice of peace for the city, and a judge of the local court of record. The present recorder is a barrister and is not resident. The last recorder who was resident, died in 1820 or 1821; he had lived in Wells about ten years as recorder, and acted as a magistrate for the city and for the county of Somerset also. The recorder's presence is not absolutely required except for the purpose of swearing in a newly elected master. A small annual salary of 2*l.* 13*s.* 4*d.* is annexed to the office of recorder, but it has never been received.

Justice.

The third Justice of Peace for the city, who is generally called The Justice, is chosen by the common council from the masters annually on the 30th September. The mayor of the preceding year is generally chosen into the office; he has no emoluments of any kind.

Town Clerk.

The Town Clerk is appointed by the common council, and holds his office during good behaviour. The present town clerk, soon after being chosen into that office, was elected into the common council; but the two situations being thought incompatible, he is not at present a member of that body. The town clerk attends the meetings of the common council and records their proceedings; he is *ex officio* clerk of the peace for the city, he is prothonotary of the court of record, and acts as clerk to the magistrates.

The salary of 3*l.* 6*s.* 8*d.* belongs to the office of town clerk; the rest of his emoluments consist of fees and professional charges as solicitor to the corporation and for drawing the leases of the tenants; the whole of his emoluments, including salary and every incidental profit, do not exceed 120*l.* a year; as town clerk he is obliged to have an office in the town, and to keep an extra clerk for transacting the business of the corporation.

Chief Constables.

The two Chief Constables, as well as all the officers that remain to be mentioned, are appointed annually on the 30th September. One chief constable is appointed by the mayor, the other by the common council, and the gentleman who is chosen by the house one year is generally put in by the mayor the next year; both are taken from the capital burgesses, and usually from the junior members of that body; they are sworn in before the mayor. The verderors or petty constables of the city are under the chief constables; of the former, two are appointed for each of the four divisions of the city, called verderies, in the court leet of the Bishop of Bath and Wells, who is lord of the manor; but they are sworn in before the mayor, and are in all respects under the corporation. Though nominally appointed for one verdery only, they are peace officers for the whole city; they are taken from the inhabitants at large; but the burgesses are said to claim an exemption from serving as verderors, and no one is ever remembered to have been appointed. The chief constables have no emoluments. A small sum, 12*s.* a year, for the whole body of verderors, is paid by the corporation, and for extra duty, they receive a little more, making in all 24*s.* a year to be divided among them.

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Receiver, or Chamberlain.

The Receiver or Chamberlain is appointed by the Mayor. It has been usual to take one of the capital burgesses to fill this office, and the same person is generally re-appointed for a succession of years. The chamberlain is the treasurer of the corporation; all rents received are paid over to him; he makes all the disbursements; and when any repairs or works are to be done, which require only a moderate outlay, it has been usual for him to give the orders himself, without first consulting the common council. He gives no security.

The salary of the chamberlain is 13*s.* 4*d.* a year; the same having remained unaltered since the reign of Elizabeth. He has no per centage or commission.

Renters.

The two Renters, or Receivers of Lord's Rents, are sometimes taken from the burgesses, and sometimes are strangers to the corporation; one is appointed by the mayor, the other by the common council. The same persons generally continue in the office for several years. They receive the chief rents or lord's rents, and have a poundage, which amounts to about 3*l.* 2*s.* 10*d.* a year. They give no security.

Churchwarden.

The Churchwarden for the in-parish of St. Cuthbert is chosen by the mayor, and is generally one of the junior members of the common council. Although there is only one church for the whole parish of St. Cuthbert, there are two vestries, and two distinct church rates made, one for the in-parish, the other for the out-parish, for which there is also a churchwarden appointed. The corporation allow 5*l.* a year to the churchwarden, appointed by the mayor, towards defraying his expenses. We believe this nomination to the parochial office of churchwarden, by the head of the municipal corporation, to be anomalous, and perhaps the legality of it may be questioned. We were not able to learn when the practice was introduced.

Surveyors.

Three capital burgesses are appointed by the common council as Surveyors of corporate property; and the chamberlain acts *ex officio* with them. Their duty is to survey and value the property previous to renewals, and to inspect the repairs. They continue in office for successive years, according to their own convenience. They receive no salary nor any other emolument.

Serjeants at Mace.

One Serjeant at Mace is appointed by the mayor; the other by the common council; neither of the present serjeants at mace are burgesses. They act as peace officers, and are generally sworn in as constables, but not always. They attend the mayor and common council, and deliver the summonses for convocations. They are mentioned in the charter granting the court of record, as attornies who are to attend there. The one appointed by the mayor has a salary of 7*l.* 10*s.* a year, the other 6*l.* They have also a gown and hat for state occasions, but no other fees, except those which are payable on the admission of burgesses.

Bailiff of the Bailiwick.

The Bailiff of the Bailiwick is named by the mayor. Any inhabitant of the city may be chosen; it is not necessary to take a burgess or freeman. His duty is to summon juries. He has no pay. A few years ago the corporation used to let to the bailift the tolls of the cattle market and seven fairs; but that practice is now abandoned.

Clerk of the Market.

The bailiff is always Clerk of the Market; as such his duties are nominal. This situation as well as that of bailiff, is now filled by one of the serjeants at mace. It has no pay attached to it.

Day Bellman.

The Day Bellman is town crier; as such he has no pay. He is also hall-keeper, and has the custody of the gaol or lock-up house, where he lives. For taking care of the hall, he has 10*l.* a year; and for each prisoner committed to his charge for trial in the county, he is allowed 3*s.* a night by the county.

Night Bellman.

The Night Bellman is the city watchman. He receives 2*l.* a year from the corporation.

Conduit Wardens.

Two Conduit Wardens are appointed by the common council to take care of the fountain, to look to its state of repair, and to report thereon to the chamberlain. The grant of the water was from Thomas de Beckynton, bishop of Bath and Wells, to the corporation in 1451. It is brought from a spring within the precinct of the palace, called St. Andrew's Well. The conduit wardens have 2*l.* 12*s.* a year between them.

Shamble Wardens.

Two officers, named Shamble Wardens, are appointed by the common council to inspect the meat; and it seems that their duties are not yet obsolete, as instances are known of late years in which they have interfered, have laid informations, and made seizures of meat. They have no salary.

Street Wardens.

The Street Wardens are always the same persons as the bellmen. Their duty is to prevent nuisances or annoyances in the streets. They receive no pay.

Beadle.

The beadle (the same individual as the night bellman) is appointed by the common council. As beadle he is paid 5*l.* a year by the corporation.

Courts:

5. The Courts of Justice connected with the corporation of Wells are the court of quarter sessions and the court of record or three weeken court.

Quarter Sessions.

The Court of Quarter Sessions is held before the mayor, recorder and justice, or two of them. The jurisdiction of this court is confined to cases of misdemeanor; and as the town of Wells contributes to the county rate, and the county sessions are held twice in the year at

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at Wells, no trials now take place at the city sessions. In all the cases at sessions, which are within the memory of living witnesses, and in which a petty jury was summoned for the trial of assaults, the parties have always made a compromise before they came into court. The court is, however, regularly opened four times a year, and a grand jury is summoned from among the principal tradesmen of the town. Of this grand jury a common councilman used formerly to be always the foreman, but this is no longer attended to. Occasional presentments are made by the grand jury at sessions, as to the pavement being out of repair, or any other nuisance; and their business is now confined to these matters. The grand jury is summoned by the bailiff. There is a fine of 40*s.* for non-attendance of jurymen. Some fines have from time to time been imposed and afterwards remitted, and some few estreated, and the estreat-roll returned. Juries.

There is an old Court of Record in the city of Wells, which has fallen into disuse for many years; the last proceeding in it, as far as can be ascertained, being in the reign of James the First, or at latest in that of Charles the First. This court appears to have belonged originally to the bishop of this diocese. Savaryk, who was styled Bishop of Bath and Glastonbury, and who lived in the reign of King John, granted the court to the master and his burgesses, to be held by the master or his deputy in the chamber, for the governance of himself and his company. From that time until the reign of Henry the Eighth, it was held weekly on Thursday. In 38 Henry the Eighth, an ordinance of the corporation directed that it should be held on Thursday in every second week, instead of Thursday in every week. Between that date and the 24 Elizabeth, the holding of the court must have been altered to Thursday in every third week, for we find that in the plea to the *quo warranto*, which has been already mentioned, it was claimed as a court to be held in every third week. It was also in that proceeding stated to be a court by Prescription, held before the mayor and assistants, any three or two of them, for pleas, &c. between burgess and burgess. In the 41 Elizabeth, the bishop's steward laid claim to this court, holden by the mayor, masters and burgesses, every three weeks, but alleged that he would be satisfied upon the sight of any sufficient cause for keeping the same; and it was then ordered that the proceedings in the above-mentioned *quo warranto* should be shown to him. This, it will be observed, occurred ten years after a charter of Queen Elizabeth, in which a court was granted to the corporation, to be held on Thursday in every three weeks. But the object in showing the bishop's steward the *quo warranto*, was to satisfy him that it was the ancient court of the bishop to which they were entitled, and not merely a court granted by a recent charter. Court of Record. By Prescription.

By the charter dated 23 July, 31 Elizabeth, the Queen granted to the corporation that they might hold a court of record on Thursday in every three weeks, before the mayor, recorder, and 23 capital burgesses, any two or more of them, of whom the mayor or recorder should be one; and that they should have cognizance of all actions of trespass *vi et armis*, arising within the city, and the precincts and liberties thereof, and of all debts, pleas upon the case, deceipts, accounts, debts, covenants, detinue, &c. arising within the city, its liberties and precincts, and which could not be prosecuted or determined in the court of the Bishop of Bath and Wells, held within the same city. By Charter.

It seems to have been the object of this charter to erect a court distinct from that which had been granted by the bishop, and it is probable that two courts, having jurisdictions differently limited, were, in fact, afterwards held; one for the determination of suits between burgess and burgess, the other with the more extended jurisdiction granted by the charter. The circumstance of each court being held on Thursday in every third week is by no means conclusive of their identity: they might have been held in different weeks; and it is certain that the corporation considered them distinct, by referring the bishop's steward to the *quo warranto* which occurred before the charter. Two entries in 1628, one of the 2 October, 4 Car. I., the other of the 23 December in the same year, relating to the same cause, state it to be pending in *the three weeken court of the lord bishop;* while an entry, not many years before, namely, in the 10 James I., speaks of *the three weeken court of the mayor, masters, and burgesses.* In other entries we find mention of *the three weeken court* only.

The other particulars in the charter of Elizabeth, relating to the three weeken court, were, that the serjeants-at-mace should be *attornati*, attending the mayor, recorder, &c. in the court so often as their presence or service should be requisite, as was customary in some other courts of record in the kingdom, and that the said *attornati*, the town clerk, and other officers of the court should receive such fees as to the mayor, masters, and capital burgesses seemed reasonable, and as had been usual. The serjeants-at-mace were to execute all the process of the courts.

It is a matter of great anxiety to the inhabitants of the town, that this court of record should be revived; and as many members of the corporation have the same wish, it is probable that some steps would have been before this time taken to gratify the inhabitants, on a subject in which, by their petitions and memorials, they have expressed so deep an interest,

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if the difficulty had not been so great, of re-opening a court of which no regular records are handed down, and the proceedings and practice of which are wholly unknown. The recorder was applied to in the summer of 1832, by the desire of the mayor; and his opinion was asked whether the court might be opened without a *mandamus*. His answer was in favour of restoring the court, without waiting for compulsory proceedings from the Court of King's Bench. The matter seems to have been delayed for some time on account of the Local Courts' Bill, and in the expectation that if that Bill were carried, it would supersede the necessity of resorting to this ancient court. We understand that a *mandamus* has lately been applied for, to accelerate the proceedings of the common council; and it is therefore highly probable that the attempt to re-establish the three week court will shortly be made. It is the more desired as there is no court of requests or other similar court which has jurisdiction within the city of Wells.

Gaol.

By the charter of the 23 July, 31 Eliz., the corporation are permitted to have within the city a Prison and Gaol, for the custody of all persons attached, or in any way committed to prison, for any cause which may, under that or any other charter of the Queen, be inquired of, prosecuted, punished, or determined; the serjeants-at-mace to be keepers of the gaol. The prison which still exists is used for committing felons and others examined by the magistrates of the city or neighbourhood, previous to their removal to the county gaol: it also serves for lodging the prisoners who are brought to Wells for trial at the sessions or assizes, and the insolvents who attend the court of the commissioners, which is held periodically in this city. It is kept up at the expense of the corporation, and an officer of their own takes charge of it.

POLICE:

6. The only Police Act for the town is 2 Geo. IV. It is intituled, "An Act for more effectually repairing and improving certain Roads leading to and from the City or Borough of Wells, &c., and for paving, cleansing and lighting, watching and watering the said Roads, and the Streets, &c. within the said City, the Liberty of St. Andrew, and Suburbs, &c." The commissioners are the county magistrates and certain other individuals. Several of the corporation are commissioners, but not *ex officio*. Under this Act, about 200 *l.* a year is annually raised for the purpose of paving and lighting the city and suburbs: it is raised by a rate of the same kind as the poor-rate. Seven or eight years ago, one or two watchmen were appointed by the commissioners, but none have been appointed since that time.

Paving and Lighting.

Watching.

Magistracy.

The Magistracy of the town and its neighbourhood seems to be sufficient for all the purposes of justice. The city magistrates are, by the charter 23 July, 24 Eliz., empowered to arrest felons and other malefactors found within the city, and to send them to the gaol of the county of Somerset. Their jurisdiction is not, however, exclusive, the county magistrates having concurrent jurisdiction in every part of the city.

REVENUE:

Income.

7. The Income of the corporation is derived from the following sources:—

1. Tolls of Fairs, Markets, and Weighbridge;
2. Lord's Rents on Leases for Lives;
3. Renewals;
4. Burgess Money.

Tolls of Fairs.

There are five Fairs held in the city in the course of the year, and two others which were also formerly held in the town, but which were taken many years ago to two places on the Mendip Hills called Binegar and Priddy. The corporation is entitled to the tolls of all these fairs, which are general fairs as well as cattle fairs. For the year ending in May 1831, the tolls received from the fairs amounted only to 11 *l.* 14 *s.*; for the year ending May 1832, to 11 *l.* 19 *s.*; for the year ending May 1833, to 7 *l.* 0 *s.* 6 *d.* There is also a general and cattle market held every Saturday, and a large cheese market on the first Saturday in every month, called the monthly market. The tolls of the markets, with the exception of the cattle and meat market, are on lease for five years, from October 1829. They were let by auction for 132 *l.* a year; but this being a high rent, only 100 *l.* a year has been actually paid. The remaining markets produced, in the year ending May 1831, 47 *l.* 4 *s.* 10 *d.*; in the year ending May 1832, 33 *l.* 14 *s.* 9 *d.*; in the year ending May 1833, only 28 *l.* 14 *s.* 7 *d.* This falling off may be accounted for by a claim set up by the butchers to sell meat at their own houses, refusing to pay the tolls of the market.

Tolls of Markets.

Tolls of Weighbridge.

The Weighbridge is established for the purpose of weighing coals and other articles, at the expense of the corporation. It is not compulsory to weigh them; but a small revenue arises to the corporation from the payments made for the use of the weighing machine. The corporation pay 10 *l.* a year rent for the house, and let it, together with the tolls, for 25 *l.* a year.

Lord's Rents.

All the land and houses of the corporation are let for 99 years, determinable on three lives. They have about 80 tenants in the town of Wells; out of the town there are not more than eight or nine acres belonging to them. Two or three members of the corporation hold

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hold property belonging to it; but all or most of them purchased it before they came into the corporation. In the Renewals to these gentlemen the fines were fixed at their full value; and the terms of renewal offered to one were so high, that he declined to accept them. In general, and upon an average, for a renewal, one life having dropped, a fine of about two years' value is taken. When the property is very much improved, the corporation take a lower fine. During the last 25 years the corporation have conveyed in fee property which sold for 187 *l.* 19 *s.* Adding this sum to the amounts received for renewals, they have received on account of renewals and sales, upon an average of these 25 years, about 229 *l.* a year. The lord's rents are 101 *l.* 16 *s.* 2 *d.* a year. Renewals.

The sums received by the corporation on account of Burgess-money from the year 1801 to the year 1833, amount to 63 *l.* 3 *s.* 6 *d.*, and the average has been therefore less than 1 *l.* 18 *s.* a year. The future income from this source is likely to be so inconsiderable as hardly to deserve a place in the account of the corporate revenues. Burgess Money.

The total of the average Receipts, exclusive of Burgess Money, will then stand thus:— Average Income.

	£.	s.	d.	£.	s.	d.
Tolls of Fairs, Markets and Weighbridge; viz.						
Tolls in hand	3	9	6			
Tolls in lease	100	–	–			
Net Receipts, Weighbridge	15	–	–			
				118	9	6
Lord's Rents				101	16	2
Renewals				229	13	6
			£.	449	19	2

By the report of a committee of the common council, appointed to inquire into the property, accounts and affairs of the corporation, it appears that upon an average of 20 years, from Michaelmas 1811 to Michaelmas 1831, the receipts amounted to 450 *l.* 5 *s.* 8 *d.* a year, exclusive of monies borrowed.

The ordinary annual Expenditure may be classed under these heads, which in the year ending Michaelmas 1832, were as follows:— Expenditure.

	£.	s.	d.
Officers' Salaries	114	2	4
Fee Farm Rents or Pensions	44	5	4
Rates and Taxes	11	12	3
Buildings and Repairs	47	6	3
Law Expenses	46	6	10
Interest of Debt	68	16	4
Entertainments	27	17	8
Miscellaneous	54	17	5
Extraordinaries, &c.	6	13	2
£.	421	17	7

The calculation of the committee, upon the average of 20 years, ending Michaelmas 1831, was, that the average annual expenditure had been 484 *l.* 2 *s.* 6 *d.* Since that report was made, the mayor's salary has been reduced from 105 *l.* to 65 *l.* The debt of the corporation has also been lately reduced from 800 *l.* (a sum which was borrowed in 1822, and laid out in improving the town) to 100 *l.*; and the remaining 100 *l.* will appear as paid off in the account ending Michaelmas 1833.

The amount raised by the sale of property in fee has been already stated to be 160 *l.* On the other hand, within the period of 20 years, the sum of 200 *l.* has been laid out in the purchase of property in the town, and 200 *l.* was laid out last year in the purchase of shares in the gas company.

The Accounts of the Receiver or Chamberlain are made up to the 30th September in each year, and are audited by the whole common council, those who are present signing the account. Formerly the audit-day was the 29th January; it is now generally Shrove-Tuesday. For the last three years the accounts have been audited for each single year. Before that period, it sometimes happened that the audit did not take place until the end of the second year. Accounts.

8. The Town of Wells is not so flourishing as it used to be. In addition to other causes which have tended to depress the trade and prosperity of the town, it is stated that there are fewer persons of property now living in it than there were 25 years ago. Several manufactures were formerly carried on in the town, which have either ceased altogether, or have greatly declined. The Silk Trade has been wholly given up. There is still one large Stocking Manufactory, which, within these two years, has employed as many as 1,500 persons. The market for corn used to be very considerable, but that is now no longer the case. The cheese market is still the greatest in the West of England. STATE OF THE TOWN: Trade.

WELLS.
Population.

The following Table shows the present and former Population of the parish and city :—

	Houses.		Population.	
	1821.	1831.	1821.	1831.
In-Parish of St. Cuthbert - -	605	620	3,024	3,430
Out-Parish of St. Cuthbert - -	529	602	2,566	2,838
Precinct of St. Andrew - - -	56	66	298	381
St. Cuthbert and St. Andrew -	1,190	1,288	5,888	6,649

The Parliamentary Borough only includes that part of the out-parish of St. Cuthbert which is built on, adjoining the city. The estimate of its population in 1831 was as under:

	Houses.	Population.	Registered Voters.
In-Parish of St. Cuthbert - - -	620	3,430	
Precinct of St. Andrew - - -	66	381	
Lower part of East Wells and Fore-lane, within the City - - - - -	47	264	
Upper part of East Wells, without the City - - - - - - -	72	528	
Parliamentary Borough -	905	4,603	338

The Local Acts are,

19 Geo. III. An Act for building a new Town Hall and Market House, and for regulating the Markets.

2 Geo. IV. An Act for improving the Roads to and from the City, and for paving, cleansing, lighting, watching and watering the said Roads, and the City and Suburbs.

2 Will. IV. An Act for lighting with Gas the City and Suburbs.

We have sent with this Report the following documents:

Translation of the Charter, 19 July, 31 Elizabeth.
Translation of the Charter, 23 July, 31 Elizabeth.
Copy Ordinance for the residence of Members of the Common Council, 30 Sept. 10 Jas. I.
Copy Ordinance for Election of Burgesses, 30 Sept. 1712.
Copy Minutes of Corporate Meeting as to the Election of Burgesses, 5 March 1721.
List of the Corporation and Corporate Officers.

Edw^d J. Gambier.

J. E. Drinkwater.

REPORT

ON

THE BOROUGH OF WESTBURY,

(WILTSHIRE.)

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BOROUGH OF WESTBURY.

1. THERE is some difficulty in assigning the limits of the borough of Westbury, as it is long since any motive existed for accurately defining them. No perambulation of the borough is remembered, and no plan or survey of it appears to exist. LIMITS.

The town lies in the centre of the parish, which extends about seven miles from east to west, and about three miles from north to south, and is more than twenty miles in circumference. What is now called the borough, includes the market-place and a principal part of the town, in a circuit of about two miles. There are also two detached parcels of the borough at a small distance from the main part; one near a place called Eden Vale, the other at a spot formerly known as the Knoll, at the end of Church-street, on the Warminster-road. All the houses, except one or two, within these precincts, occupy the sites of burgage tenements, of which there are 61, covered by about 140 houses; and as the right of voting in the election of Members to serve in Parliament, was formerly connected with the possession of these burgages, it is probable that the limits so assigned to the borough, have been determined chiefly by the position of those tenements. There is some ground for believing that the jurisdiction of the borough formerly comprised a space connecting all the parcels now considered as severed from each other.

There is a Tithing within the hundred of Westbury, called the Tithing of the Town, and another very small tithing adjoining the church, called the Chauntry, which is entirely surrounded by the tithing of the town. These two connect the burgage tenements near Eden Vale and at the Knoll with the others; and the borough, town tithing and chauntry, take in within their circuit the whole of the buildings of the town; there appears no reason to think that the ancient limits of the borough went beyond them. Tithings of the Town and Chauntry.

The chauntry is in a distinct manor from the rest of the parish, and belongs to the Precentor of Salisbury Cathedral. Possibly it may have been a precinct out of the jurisdiction of the borough, but we have no evidence on this point. The constable who is appointed at the borough court, acts over the borough, and also over the whole of the town tithing; but, on the other hand, the tithingman appointed at the manorial court for the town tithing, does not act within the borough.

The whole parish is included in the borough for the purpose of Parliamentary Representation. Addition made by the Boundary Act.

2. The Charter of Incorporation is lost: the tradition is that it was burned. Upon search of the calendars in the Tower, no charter appears to have been granted to the borough of Westbury, nor is any found in the calendar of the confirmation rolls from Richard III. to Charles I. The present Seal of the corporation bears an inscription purporting that it was the gift of Matthew Ley in 1597; and the legend on it is, *Sigillum Majoris et Burgensium de Westburie.* CHARTERS. Seal.

3. The Style of the corporation may therefore be taken to be, The Mayor and Burgesses of Westbury; and it consists of a mayor, recorder and thirteen capital burgesses. There are now no other burgesses or members of the corporation besides the mayor, recorder and capital burgesses. CORPORATE BODY. Style. Constitution.

The Mayor is chosen annually on the 30th of September, in an assembly of the mayor, recorder and capital burgesses. It is considered that any number of burgesses, however small, is competent to form a meeting for this purpose, and no idea has been entertained that a majority of the whole existing number is requisite. There is no rotation of election to the mayoralty among the burgesses: the person to be put in nomination is determined on before proceeding to the hall, and no poll or difference of opinion on the subject is remembered. Election of Mayor.
The mayor is sworn, and enters on his office on the 2d November following his election.

The Recorder is elected for life by the mayor and capital burgesses. He has usually been the proprietor or an immediate dependent upon the proprietor of the manor. The present recorder is Sir Frank Lopez; he succeeded his father the late Sir Masseh Lopez, who was preceded by the steward of Lord Abingdon, the former proprietor. Recorder, Election of.

The Capital Burgesses, or aldermen as they are indiscriminately called, are chosen for life by the mayor, recorder and capital burgesses. A majority of the whole number is not considered Capital Burgesses, Election of.

WESTBURY.

considered necessary to form the elective assembly. The whole number, when the corporation is full, is thirteen, exclusive of the mayor; this number is seldom complete: at present there are only eight. Any one may be elected. Residence or inhabitancy within the borough is not considered necessary either at or after the election. At present there are only four residents.

General Council, Functions of.

The assembly of the mayor, recorder and capital burgesses is called The General Council; their Functions have been for many years confined altogether to the filling up of vacancies in their number, and electing the Members to serve in Parliament for the borough. They have no bye-laws, and impose no fines. As head of the corporate body the mayor presides at the meetings of the general council; the recorder and capital burgesses have no duties whatever to perform beyond the part they take in the elections. The steward always attends the general council, but, unless a member of the corporation, takes no part in the elections.

Burgage Tenants.

The occupiers of the burgage tenements have not now any connexion with the corporation. Such occupiers as held a lease for three lives or greater estate in a burgage tenement were entitled to vote for the representatives of the borough in Parliament, but in consequence of the renewals being discontinued, the parties were deprived of their votes. They were called free voters. About four or five years ago there was only one free voter left, and his term was purchased by the proprietor of the other burgages. It appears, however, that the free voters had not usually attended the election of members for a long time previous to their extinction.

Officers.

4. The Ministerial Officers of the corporation, besides the mayor and recorder, are, a steward, a constable, two serjeants, two ale-tasters, two supervisors of the fire-hearths, and two leather-sealers.

Mayor.

The Mayor is the returning officer of the borough; he has no other duties of any kind, except presiding in the borough court. He exercises no magisterial authority. It was mentioned to us that about 25 years ago the mayor put a disorderly woman into the blind house; that appears to be the only instance on record of his having exerted any such authority in modern times. Since the passing of the Reform Act, he receives for his own use, to provide for a dinner and other incidental expenses, the whole revenues of the corporation, amounting to about 16*l.* He is not expected to give any account of this sum.

Recorder.

The Recorder, as has been already mentioned, is wholly without functions of any kind, except those which attach to him as a component part of the elective body.

Steward.

The mayor and capital burgesses appoint the steward of the borough; until lately he was always the same person who was steward of the manor of Westbury. A different steward was chosen for the first time last November, and was appointed for a year. The Steward of the borough sits with the mayor in the borough court; and it is his duty, by himself or his inferior officers, to summon the jury for that court, on receiving directions for the purpose from the mayor.

Inferior Officers.

The election of the constable, serjeants and other inferior officers named, takes place annually on the 2d November. They are appointed by the grand jury of the borough court, and the persons appointed are always residents. The serjeants are usually chosen from the petty jury of the borough court.

Constable.

The Constable executes all warrants and summonses within the borough, and acts also, as has been already mentioned, for the town tything. The constable of the hundred may act within the borough, but in practice does not. The borough constable receives no salary beyond his fees.

Serjeants, &c.

The Serjeants are privileged to act as criers; they have no other duties to perform, and no salary. The other officers named, although still annually elected, have no duties and no salary.

Fees.

No Fees of any description are paid on the election of any of the members of the corporation or of their officers.

Courts.
Borough Court.
Juries.

5. The Borough Court held annually on the 2d November, is the only court held within and for the borough; it is called a view of frankpledge, leet or law day. A grand and petty jury are summoned, each consisting of 12 persons. The principal duty of the former is to elect the constable and other inferior officers; the petty jury present nuisances and assess fines, which however in practice are not enforced. It is said that nuisances are generally abated on presentment.

Among the presentments in 1787, we found the three following, which illustrate in some degree the history of the borough.

1. Presentment of all resiants of the borough, who have not made appearance, and amercement of 2*s.* 6*d.*
2. Presentment that no person who shall be duly resident within the borough shall claim a vote in the election of Members of Parliament (not having a burgage tenement) to serve for the borough, on pain of 40*l.*
3. Presentment of houses and sites of houses within the borough, chargeable with burgage rents severally of 6*d.*, 4*d.* and 2*d.*

The

WESTBURY.

The grand jurors are not summoned exclusively from the borough, but are taken indiscriminately either from the borough or from the other parts of the town, with the exception of the chauntry. The petty jury are in general taken from the inhabitants of the borough, but instances occur of their being summoned from the rest of the town.

Fines.

The Fine for non-attendance on the petty jury when summoned is 2*s.* 6*d.*, and 5*s.* for non-attendance on the grand jury. These fines are regularly presented at the sitting of the court, but are never enforced.

Manor Court.

The Court of the Lord of the Manor is held in May before the steward of the manor, and is quite distinct from the borough court.

Gaol.

There was a gaol under the old town hall, which is now pulled down. At present there is nothing of the kind.

Police.

6. There are no local acts affecting the borough or town, and no police officers or public watchmen.

Revenue.

7. The whole Revenue of the corporation arises from the tolls of the market (which is held at Westbury every Tuesday) and of the mayor's fair, which takes place on Whit-Monday and Whit-Tuesday, and from the rents of about five acres of garden and pasture ground near the town. The value of the Tolls altogether is taken not to exceed 30*l.* The amount of the Rent is about 15*l.* The land from which it arises stands, in a survey of the parish made about 24 years ago, in the name of the mayor and corporation; but until this last year, the rents, as well as the tolls of the fair and market, have been constantly taken by the lord of the manor, who has been usually the proprietor of the burgage tenements, and who then bore the expense of the mayor's dinner. Lately, the main connexion between the lord of the manor and the corporation having been dissolved, the steward of the manor received directions to pay over these rents to the mayor. No conveyance of them appears to have been executed on either occasion. The land is now occupied by various tenants under parole agreements entered into by the deputy steward of the manor.

Tolls.

Rents.

How applied.

State of the Town.

8. The town, as may be partly gathered from the foregoing account, is altogether insignificant; there are a few factories for spinning and weaving cloth, only one of any considerable size. The mule has been but lately introduced here, and has occasioned some temporary distress among the work-people.

Fairs and Markets.

Two fairs are held at Westbury annually; the mayor's fair, held on Whit-Monday and Tuesday, and the lord of the manor's fair, held at Easter. There is a nominal market every Tuesday; it used formerly to be held on Friday, but was changed to the present day, with the view of making it convenient as a corn market. It did not succeed, chiefly owing to the neighbourhood of Warminster, which is between four and five miles distant. On the whole however the trade of the town, such as it is, is said to be now in a thriving state.

The annexed Table shows something of the condition of the town and parish.

	POPULATION.		HOUSES.		VOTERS in 1832.
	1821.	1831.	1821.	1831.	
Tithings of the Town and Chauntry - -	2,117	2,495	450	536	—
Rest of the Parish - - - - - -	4,729	4,829	961	1,016	—
Parish of Westbury - - -	6,846	7,324	1,411	1,552	185

Edwd J. Gambier.

J. E. Drinkwater.

REPORT

ON THE

CORPORATION OF WEYMOUTH AND MELCOMBE REGIS.

(DORSETSHIRE.)

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WEYMOUTH AND MELCOMBE REGIS.

LIMITS.

1. WEYMOUTH and MELCOMBE REGIS were formerly distinct boroughs, being divided from each other by the harbour. They were united by an Act passed in 13 Elizabeth. The united borough comprises the chapelry of Weymouth and the parish of Melcombe Regis, together with the Harbour and Backwater, the latter being considered as part of the parish of Melcombe Regis. A part of Radipole parish, contained within a line drawn from the Old Sluice to the Spear Hedge, and along the Spear Hedge to the Backwater, has also been considered within the borough; and there is certainly some evidence in support of this opinion. By an entry in the corporation book, dated 1 September 1617, it appears that the mayor, aldermen and capital burgesses, had granted a warrant to the serjeants at mace, for the prohibiting of the inclosing of *Clark's Hill* parcel of Melcombe Common, within the borough and town of Weymouth and Melcombe Regis. Now *Clark's Hill* is in the parish of Radipole. On the 14th September 1685, an order being received from the sheriff for executing twelve persons in the Borough of Weymouth, under sentence by Lord Jeffery, it was resolved by the corporation that the gallows should be erected "on or near *Greenhill*," (which is in *Radipole* parish) "in the confines of this borough."

Radipole.

It is a matter of tradition that vagrants, who were ordered to be flogged out of the town, were flogged as far as a gate which is situated in Radipole, at the Spear Hedge, a point of the supposed boundary of the borough. There are also several entries in the book with regard to the ownership of this doubtful territory, or of a part of it which was called Melcombe Common. But those entries, even if they were conclusive as to the title of the corporation to the ownership of the land, would not decide any thing as to the question of jurisdiction. It is more pertinent to this latter question, that in repeated instances the coroner of the borough has held inquests on bodies found on the shore of Radipole parish. This right was asserted in 1799, when two inquisitions having been held by the county coroner on bodies found beyond the turnpike in Radipole parish, it was resolved by the corporation that the said bodies were found within the jurisdiction of the mayor as coroner, and that the holding of the said inquests did of right belong to him, according to the charters and usage of the borough; and the town clerk was desired to give notice thereof to the county coroner. It appears that since that time inquests have been held by the mayor as coroner, on bodies found in Radipole, and one or two even within the last three or four years. In other respects no jurisdiction has been exercised within Radipole parish for sixty years; nor, except in the instances which have been here mentioned, is any known to have been exercised before that period.

Additions by the Boundary Act.

The additions made by the Boundary Act on the Radipole side, part of which parish is taken for the new borough, are not so extensive as the old boundary was supposed to be. Part of the parish of Wyke, on the south side of Weymouth, is also taken into the new boundary.

HISTORY. Old Borough of Weymouth.

2. The earliest Charter known to the corporation, is one granted in 1252 by the prior of the church of St. Swythun, Winchester, and the convent of the same place, making Weymouth a free port and a free town, and bestowing upon it the same liberties as were enjoyed by Southampton and Portsmouth. It appears that the prior of St. Swythun was lord of the manor of Weymouth, as well as of Wyke, Portland and Hellewell. These manors afterwards came to Almaric Elect of Winchester, and after him to Richard Earl of Gloucester, from whom they descended to his son, the Earl of Gloucester and Hertford, who in the 8 Edward the First, made his claim to certain rights and jurisdictions in these manors, as well as in Cranborne Chase, before the justices in Eyre at Shireborn, in the county of Dorset. And the jury, or the knights as they were called, found that the earl, and those under whom he claimed, beginning with the prior of St. Swythun, had always used the following liberties, namely, "return of writs, plea of unlawful distress, blood, and hue and cry, gallows, infangenethef, utfangenethef, pillory, tumbrell, assize of bread and ale, view of frankpledge, estrays, wreck of the sea, escape of thieves, chattels of felons, murders, attachments, amerciaments of his men amerced before the justices, and a market in Waymouth every week by Thursday, and the port of the sea at Waymouth, with liberties to port appertaining. The knights also found that he was entitled to rivage in the port of the water of Waymouth of vessels arriving upon his land. This record was exemplified by letters patent, dated 10 February, 41 Edward the Third, and the exemplification is among the muniments of the corporation. Nothing more appears from the corporation books or papers respecting the history of Weymouth than is disclosed by these two documents, until the time of its union with Melcombe Regis. Some years after they were united, a charter was granted, dated

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6 May, 40 Elizabeth, confirming to the royal demesnes of Portland, Waymouth, Wyke and Helewell, their exemption from the jurisdiction of the Admiral of England.

Old Borough of Melcombe Regis.

Charter of Edw. I.

A grant of various liberties and privileges was made to Melcombe Regis by charter dated 27 May, 8 Edward the First. It gives to the burgesses of Melecumbe all the liberties granted to the citizens of London, with regard to pleading or being impleaded within the borough; and provides, that "of pleas pertaining to the Crown of those things chiefly which within the borough aforesaid and the suburbs thereof shall happen to be done, they may dereign themselves according to the ancient custom of the city of London, with this exception nevertheless, as it is excepted in the liberties of the citizens of London, that it be not lawful to swear positively upon the tombs of the dead, concerning that which the dead would have said if they had lived, but that in place of the dead who might be chosen before their death to dereign those who should have been appealed or charged of things pertaining to the Crown, other free and lawful men may be chosen who may do the same without delay, which by the deceased above said ought to have been done if they had lived."

Court of Hustings.

The same charter grants, among other things, to the burgesses, that in every week a hustings be held once in the week, and this only by one day, so nevertheless that those things which on that day cannot be determined, be continued on the morrow, and not beyond. Also for the amending of the borough, the King granted that all men should be quit of Cheldewyth and of Geresgive and of Scotal, so that the bailiffs of the same borough, or any other there, do not make Scotal. The liberties and free customs thus bestowed were granted to the burgesses, to hold to them and their heirs, as long as to the King and his heirs they should well and faithfully conduct themselves, together with other the just and reasonable customs which the citizens of London then had, as well of the form and manner of pleading of their tenures and pledges, as of other cases whatsoever touching them and their borough.

Charters of Confirmation.

This charter of Edward the First was confirmed by charter dated 22d January, 11 Edw. II.; by one dated 3d November, 2 Edw. III.; and by one dated 15th May, 2 Eliz.

Grant of the Borough.

The charter of Edward the Second also granted to the burgesses, their heirs and successors, the borough, with the rents, places and all other profits to the farm of the borough appertaining, to hold of the Crown at fee-farm, paying eight marks a year, to wit, six marks as they had before been accustomed to pay, and two marks of increase. Several void places in the borough were at the same time granted to them, a weekly market on Monday instead of the one before that time held on Tuesday, and a yearly fair. This grant of the borough was also confirmed by the charter of Edward the Third.

The town of Melecumbe having suffered greatly from the French and Normans in the reign of Henry the Sixth, a petition was preferred in Parliament for their relief in the 6 H. VI., and by assent of the Lords, and at the request of the Commons, a commission issued from the Crown for surveying the state of the town and the destructions and poverty complained of. In the 15 H. VI. by his letters patent, the King, in order to relieve their distresses, granted to the burgesses that they should hold the town, so long as it should please him, at 20*s.* only instead of eight marks, and for every tenth and fifteenth 13*s.* 4*d.* These letters patent, by pretext of a certain act of resumption, were annulled by authority of Parliament in 28 H. VI.; but the grant of Henry the Sixth was renewed by Henry the Seventh by charter dated 27th November, in the fifth year of his reign, and confirmed by charter dated 10th November, 4 H. VIII.

Union of the two Boroughs.

The Union of the two Boroughs took place in 1570, by Act of Parliament dated 2d April, 13 Eliz., and intituled "An Act for the incorporation and uniting of Weymouth and Melcombe Regis in the county of Dorset." This Act is recited in the present governing charter, a copy of which accompanies this Report, and was exemplified by letters patent dated 1st June, 13 Eliz.

Charter of James I.

On 1st July, 14 Jac. I., a charter of incorporation, which is also in part recited in the governing charter, was granted to the united borough of Weymouth and Melcombe Regis. The corporate body, as regulated by this charter, was made to consist of a mayor and an unlimited number of Aldermen, two bailiffs, and four and twenty chief and principal burgesses. The mayor and aldermen were, on St. Matthew's day to nominate four of the burgesses or inhabitants of the borough, out of which four, the mayor, aldermen, bailiffs, principal burgesses, and other burgesses and inhabitants of the borough, were on the same day to choose one to be mayor.

Eleven aldermen were named in this charter, and it was provided that if any of the aldermen died, or were removed or departed, and at the time of their death, removal or departure, there were not eight aldermen remaining, then the mayor, remaining aldermen, bailiffs and principal burgesses were to choose out of the burgesses or inhabitants of the borough, so many aldermen as were wanting of the number of eight. It was also provided that every mayor should immediately after the execution of his office become an alderman.

The bailiffs were to be chosen from the burgesses or inhabitants; and from the same body the principal burgesses were also to be taken.

The construction put upon this charter by the case of *Rex* v. *Weymouth*, 7 Mod. 374, was, that, though the aldermen continued to be burgesses after their election, yet that they were by implication excluded from being put in nomination as candidates for the office of mayor, the

intention

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intention of the charter being that the select classes should be supplied from the burgesses at large. The effect of this construction being to increase the number of aldermen by the addition of a fresh member every year; and that, as well as the election of burgesses at large into the office of bailiff every year, being deemed an inconvenience by those persons who had weight and influence in the borough at the time, a charter was obtained in order to remedy the inconvenience and supply defects in the preceding charter of James the First. This amending and explanatory charter is dated the 19th August, 21 George II; it provides that the aldermen should be eligible to the office of mayor or bailiff, and that the capital or principal burgesses should be eligible to the respective offices of mayor, aldermen and bailiffs.

Charter of George II.

In 1802, the number of principal burgesses had been permitted to decline down to eight, being less than a majority of the number which had been by the charter of James constituted an integral part of the body. Informations in the nature of *quo warranto* were, upon this ground, exhibited against the mayor for the time being and his predecessor, and judgment was in each case given against the defendants, (*Rex* v. *Morris* and *Rex* v. *Steward*, 3 East, 213, and 4 East, 17.) It being apprehended that the corporation was thus dissolved, or was in great danger of being dissolved, or deprived of the legal means of continuing its corporate existence, the Crown was petitioned to grant a new charter. In conformity with the prayer of this petition, a new charter was granted, dated 25th May, 44 Geo. III. This is now the Governing Charter of the corporation.

Dissolution of the Corporation.

Governing Charter.

3. Under it the corporation is styled "The Mayor, Aldermen, Bailiffs, Burgesses and Commonalty of the borough and town of Weymouth and Melcombe Regis, in the county of Dorset." It is composed of a mayor, an indefinite number of aldermen, two bailiffs, 24 chief or principal burgesses, and an indefinite number of burgesses and inhabitants.

CORPORATE BODY. Style. Constitution.

The Mayor is elected by a body composed of the mayor, aldermen, bailiffs, principal burgesses, and other burgesses and inhabitants of the borough on St. Matthew's day (21st September) from four persons previously nominated the same day by the mayor and aldermen. The body at large thus assembled together, or the greater part of them as shall be so assembled, have power to choose the mayor by a majority of their voices. All persons who occupy rateable property in the borough are deemed persons qualified to vote for the election of mayor. With regard to the numbers of the body, which nominates the four candidates, it seems to be considered doubtful whether, besides the mayor, there should be a majority of the existing body of aldermen, or whether a majority of eight, the lowest number at which they can be kept, would be sufficient.

Mayor.

The persons put in nomination may be either members of the select body, or other burgesses or inhabitants of the borough. Residence is not considered a necessary qualification; but it is said to have been usual for those who were proposed for the office of mayor to take a house in the borough before they were elected. There has been sometimes a poll for choosing the mayor out of the four persons nominated, and it has occasionally lasted several days.

The mayor is sworn on the day of his election. He takes the oath of office before the preceding mayor, or the recorder, in the presence of such of the aldermen and principal burgesses as are then assembled. He continues in office for a year, and until another mayor is elected and sworn.

For misbehaviour in office, the mayor is removable by the aldermen, bailiffs and principal burgesses, or the greater part of them.

If he dies, or is removed in the course of the year, the aldermen are to nominate four persons, out of whom the aldermen, bailiffs, capital burgesses, and other burgesses and inhabitants are to choose one who shall be mayor for the residue of the year, and until another mayor is elected and sworn. The mayor so chosen for the remainder of the year is sworn before the aldermen, bailiffs, and principal burgesses then present; and any two or more of the aldermen are empowered to administer the oath.

The number of aldermen is required by the charter to be kept up to eight; and that is in some measure secured by all persons who have served the office of mayor becoming aldermen when their mayoralty has expired. If, however, there should be at any time fewer than eight aldermen, the mayor, surviving aldermen, bailiffs and capital burgesses, are to fill up the number to eight from the burgesses or inhabitants, whether they have been bailiffs or principal burgesses, or not.

Aldermen

The aldermen are removable for misbehaviour in office, or other reasonable cause, by the mayor, the rest of the aldermen, the bailiffs and capital burgesses.

The two Bailiffs are chosen annually, on St. Matthew's day, by the mayor, aldermen, bailiffs and principal burgesses, or the greater part of them, from the burgesses or inhabitants of the borough, whether the same or either of them were aldermen or principal burgesses, or not. They take an oath of office before the mayor and such of the aldermen and principal burgesses as may be present. They continue in office a year, and until their successors are elected and sworn; removable, however, for misbehaviour by the select body, or the greater part of them. If a bailiff die, or be removed in the course of the year, another may be appointed in the same way.

Bailiffs.

The Principal Burgesses are elected by the mayor, aldermen, bailiffs, and principal burgesses, from the inhabitants at large. It is said that non-residents are not chosen; but this notion seems to be founded on a mistake as to the proper meaning of the term *resident*.

Principal Burgesses.

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For it is not considered necessary that the party chosen should even have paid rates or taxes; all that has been usually done by the person to be elected is to rent a house in the borough. The capital burgesses take an oath of office before the mayor. They are removable for misbehaviour, or other reasonable cause, by the mayor, aldermen, bailiffs, and other principal burgesses.

Residence.

Non-residence appears to be no longer considered a sufficient ground for removal. In 1685, there is an instance of a capital burgess being removed, by reason of his having gone to reside at such a distance from the town that he was not likely to return back and settle there again, and was thereby incapable of doing any further service in that capacity. But residence is no longer insisted upon in every individual case. It would indeed appear to be unnecessary at the present time, since, out of the 23, which is the number of the existing principal burgesses, 20 reside within the limits of the borough, and only three live at a distance. Of the two aldermen who are non-resident, one lives within four miles of the borough, the other lives at a distance.

Fees on admission.

Each member, on his election as a principal burgess, pays 4*l.* 1*s.*, being 3*l.* for the stamp, and 1*l.* 1*s.* to the town-clerk for his trouble in preparing the admission. This is a recent regulation, the fees having been formerly paid from the funds of the corporation. If a mayor is chosen from the inhabitants, the same stamp and fee are paid.

Burgesses and Inhabitants.

The Burgesses or Inhabitants (for they are evidently, in the charters relating to this corporation, synonymous terms) must be regarded as an integral part of the corporation, although their corporate rights are now limited to the election of mayor, with the additional privilege, if it can be so considered, of being exclusively eligible to the select classes of the corporation.

Freemen.

There formerly existed a body of freemen in the borough; but it may fairly be questioned whether they ever formed a part of the municipal corporation. It is more probable that they were in this, as in many other towns, a body, or a composition of several bodies, under the government, indeed, of the corporation, but associated together only for the purposes of carrying on trade upon the principles of monopoly and exclusion. In one of the books of the corporation, of the date of 10 November 1617, there is a list of such persons as are found to be freemen of Waymouth and Melcumbe Regis, "by charter, patrimony, service or fine, together with such as should be found or allowed until Michaelmas next, or after." Then follow the names, beginning with the mayor, the bailiffs, the aldermen, the capital and principal burgesses or common council; then freemen by patrimony, freemen by service, freemen by fine.

It seems to be clear that the body of freemen did not form an inferior grade or class in the corporate body, from the fact, that those who filled the chief offices in the corporation had in many cases been elected to them without having previously enjoyed the freedom of the borough. On 6th June 1690, an order of the corporation was made, reciting that in former years the mayor, aldermen, bailiffs and capital or principal burgesses of this incorporation had been, by virtue of their respective offices, entitled and allowed to be general freemen of the same, and enacting, that the mayor, aldermen, &c. should be general freemen as long as they continued in any one of the said offices, without taking the freemen's oath, or paying the usual fee of 3*s.* 4*d.*; and on the same day, a capital burgess was admitted a general freemen, and without fine, having served an apprenticeship to his father, who was a general freeman. On 12th October 1694, the above order was in part repealed, and the benefit of the freedom was confined to those who should serve the office of mayor, or should be otherwise admitted to the freedom for any fine, service or other consideration as the court should see reasonable. The object in obtaining the freedom was no doubt to enjoy those privileges and immunities which belonged to freemen alone, as may be inferred from the fact, that a penalty of 5*l.* was imposed "for *colouring* any foreigner's or unfreeman's goods." Besides the exemption from tolls or duties, they enjoyed in most places a right to exclude foreigners altogether from trading in the town. In this borough, foreigners were not altogether excluded, but leave was by the corporation granted to them to carry on trade, as appears by an entry some time between the years 1617 and 1620, which contains "The names of such tradesmen and artificers as have liberty for them, their children and apprentices, to use only their trade within this town, being no freemen within the same."

Exemptions.

By the charter the mayor, aldermen, bailiffs, principal burgesses and other burgesses and freemen of the borough are exempt from serving on juries, both at the assizes and county sessions. The charter also directs that they shall not be compelled to serve as assessor of taxes or as constable, or in any other office out of the borough; and it provides that if any of them are resident out of the borough, and being put upon juries, refuse to serve, they shall not incur any contempt, pain, forfeiture, &c. by such refusal.

Ruling Body.

For all practical purposes the whole power of the corporation is vested in the select classes, which consist of the Mayor, Aldermen, Bailiffs, and principal Burgesses. The only apparent exception is the election of mayor from the four persons nominated by the mayor and aldermen; but it is very easy for a select body, having the power of nomination, to defeat the free exercise of this function, by nominating in such a manner that no power of choice should be left.

Officers.

4. The Officers of the corporation are, the Mayor, Recorder, two Bailiffs, Town Clerk, Treasurer, two Serjeants at Mace, six Constables, Beadle; also, a Harbour Master appointed

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appointed under the Harbour Act, and Coal Meters and Porters appointed under an Act of 50 Geo. III.

Mayor. The Mayor is coroner of the borough, a judge of the court of record, a justice of the peace, and clerk of the market. He is also the returning officer.

From the year 1694 until February 1830, the mayor for the time being received the market dues and tolls of corn, coal, &c. out of which he paid the salaries of the serjeants at mace and some other expenses. The market tolls and all other dues and perquisites of the mayor (except that of fish) are now, by a resolution of the ruling body, added to the funds of the corporation, and the surplus, after paying 100 *l.* a year to the mayor and the other expenses which had been chargeable upon the fund, is to be invested in Government securities in the names of three trustees, for the purpose of being appropriated to the erection of a new town-hall. The present receipts of the mayor, therefore, consist only of the above-mentioned sum of 100 *l.* and of his toll of fish. This toll is taken in kind, the mayor's right being to take from every boat the second-best fish of all landed in the harbour. The money revenue of the mayor is probably more than absorbed in the number of entertainments which it is usual for him to give. He generally gives three dinners in the course of his year: one on the day of his election, one on the day of the sessions, and one on the 5th November. He gives a supper to the aldermen on the eve of the election of a new mayor, and two breakfasts to the corporation on other occasions.

Recorder. The Recorder is elected by the mayor, aldermen and bailiffs, and holds his office during the pleasure of the mayor, aldermen, bailiffs and principal burgesses. He takes an oath of office before the mayor. For many years it has been usual to choose barristers to fill this office. The recorder is a justice of the peace for the borough, and the sessions are held before him and the other justices. He receives a salary of 4 *l.* 4 *s.* a year.

Bailiffs. The Bailiffs are justices for the borough and judges of the court of record.

Town Clerk. The Town Clerk is chosen by the mayor, aldermen and bailiffs, to hold his office during the pleasure of the same body, and takes an oath of office before the mayor. He is clerk of the peace for the borough, magistrates' clerk, and the officer of the court of record. As town clerk he receives a salary of 20 *l.* a year. His fees at sessions are nearly the same as the county fees; and the same is the case with the fees which he takes as clerk to the magistrates. He charges for business done as solicitor to the corporation, and is paid by the tenants for the leases.

Treasurer. The treasurer is chosen by the mayor, aldermen, bailiffs and principal burgesses; and he continues in office for a succession of years, without any fresh annual appointment. The present treasurer is an alderman, and one of the bailiffs. The treasurer keeps the several accounts which will hereafter be mentioned, that is, the general account, the market account, the harbour account, and the bridge account. He pays no bills, unless the mayor signs an order for the purpose; the mayor first examining the bills, and then signing them as approved of.

The treasurer does not appear to receive any salary or other emolument expressly from the general account, but he charges five per cent. interest on any advances made by him in the course of the year, without debiting himself with interest for any floating balances which he may have in his hands upon any of the accounts. Before 1817 he received a poundage as treasurer under the Harbour Act. In that year a salary of 20 *l.* a year was established in lieu of poundage. On the bridge account he is still paid by a poundage, which is fixed at 3 *d.* in the pound.

Serjeants at Mace. The two Serjeants at Mace are appointed by the mayor, and remain in office during the pleasure of the mayor for the time being. They are sworn before the mayor. The same persons are usually re-appointed by successive mayors, who, on coming into office, deliver to them the maces and keys. The serjeants at mace execute process from the court of record, and summon the juries for the sessions. The senior serjeant receives 45 *l.* a year, the junior 20 *l.* a year. They have also the usual fees for executing process, and an allowance for cloaks and hats, which amounts to five guineas to each of them. The salaries are paid out of what is called the market fund; the allowance for cloaks and hats from the general account.

Constables and Beadle. Six Constables and a Beadle, who is also a constable, are chosen by the mayor, aldermen, bailiffs and principal burgesses, and continue in office during the pleasure of the same body. They are sworn in at the sessions. It is usual to continue the same persons in these offices, unless there is some complaint against them. They receive fees for executing summonses, &c. and are provided with coats and hats. The beadle has also a salary of 20 *l.* a year, which is paid out of the general fund. The expense of coats and hats is charged upon the market fund.

Harbour Master. Of the officers appointed or licensed by the corporation under particular Acts of Parliament, the principal one is the Harbour Master. He is appointed by the mayor, aldermen, bailiffs and principal burgesses. His duty is to regulate the mooring of vessels. He is paid by a salary of 40 *l.* a year out of the harbour fund.

Coal Meters. Six regular Coal Meters and three extra Coal Meters are appointed by the same body, under an Act of the 50 George the Third. It is compulsory to employ them. They receive nothing from the corporate fund, but are paid 3 *d.* a chaldron by the merchant or seller of coals.

Porters. There are also six Porters, who are sworn into the office, and whose privilege it is to act exclusively on the quay, in discharging the cargoes of trading vessels. This number is not enough at all times for the work which is to be done, and their exclusive right is not therefore always enforced.

Courts. 5. The Courts held within the borough are the sessions, the court of record, and two courts leet.

Sessions. The sessions are held before the mayor, recorder and bailiffs, or any two or more of them, of whom the mayor or recorder must be one. In general not more than one sessions takes place in the year, and that is held in October. The jurisdiction of the sessions is understood to extend to all cases of felony, except those which are capital. There is, however, a clause in the charter, providing that the justices of the borough shall not proceed to the determination of any treason, felony, or other offence whatsoever, touching the loss of life or members, without the special license of the Crown. Important cases of felony are generally sent to the county sessions, and not above two or three felonies in a year have been tried in the borough for some years past. From the practice of sending criminal cases, which arise within the borough, to the county sessions, it appears that the jurisdiction of the county magistrates is not considered as altogether ousted by the charter, which declares that the justices of peace of the county of Dorset may not by any means intermeddle to do, exercise, or execute any thing within the borough and town aforesaid, which unto the office of justice of peace by any means do appertain or belong. For all other purposes, except that of trial, the jurisdiction of the borough magistrates is in practice an exclusive one.

Court of Record. The Court of Record is held from week to week on Tuesday before the mayor and bailiffs, or one of them, for the recovery of debts of any amount, and for the trial of all causes of action personal or mixed. The forms of proceeding, the process, pleadings and modes of trial are in a great measure regulated according to the rules of the superior courts at Westminster.

The proceedings in a cause are entered short in a book which is kept by the town clerk, who is the officer of the court. The first entry in the book is the warrant to prosecute; then process is issued by the mayor, directed to the serjeants at mace, and made returnable the next court day; the process is by *capias*, either serviceable or bailable, according to the amount sought to be recovered; if it is issued between two court days it bears date the preceding court day. Four days exclusive of the day on which the writ is returnable, are allowed the defendant for appearing to the action. If at the proper time he does not appear, the plaintiff may enter an appearance for him. The declaration and other pleadings are filed in the town clerk's office, and are entered short in the book which has been mentioned. The declaration must be filed on a court day, and the rule to plead is given for the next court day. Time to plead is, however, on application, always granted for the space of another week. The jury process is directed to the serjeants at mace, and the jury is summoned by them. Writs of inquiry are executed before the court.

The costs are taxed by the town clerk; they are much lower than those in the superior courts; and the fees and costs for the recovery of debts under 40*s.* are considerably less than those for the recovery of sums of a larger amount. The average costs of an action in this court are said to be from 7*l.* to 9*l.* There are about 50 or 60 actions in the course of a year. An action may be carried through this court to final judgment in the course of five or six weeks.

Courts Leet. There are two distinct Courts Leet held within the borough, one for the manor of Weymouth, the other for the manor of Melcombe Regis; they are held before the mayor and bailiffs at the same time and in the same place as the sessions.

Juries. There are two Leet Juries, one for Weymouth, the other for Melcombe; twenty-four persons are summoned upon each of them; any of the inhabitants are taken for these juries. A different list is prepared of the grand jury for the sessions, and another distinct list for the petty juries which may be required. All these lists are generally made out by the town clerk. The grand jury is taken from the principal inhabitants; the petty juries are taken from the inhabitants promiscuously; no particular rotation is observed in summoning the persons who are to form the juries, nor does there appear to have been any objection made on account of the same persons being frequently called upon to serve. Five guineas are allowed to each of the leet juries, and the same sum to the grand jury for the purpose of providing a dinner; and to this contribution something is occasionally added by the mayor.

Gaol. 6. The gaol properly consists of only two small cells, which are situated behind the town hall, and which were made some years ago when an escape was effected from the prison in front of the town hall. Debtors taken in execution are sometimes confined in these cells, but it more usually happens that upon giving security they are permitted to occupy the parts of the building which are below the town hall, and which afford better accommodation than the cells. Not more than one or two debtors are taken in execution within the borough in the course of the year. Prisoners who are to be tried for felony at the sessions are committed to these cells, and are supported there at the expense of the corporation. One of the serjeants at mace has the charge of the gaol, but the mayor is considered as being the legal keeper of it, and he is responsible in case of a debtor's escape.

Debtors.

Felons.

Police. 7. The watching, paving and lighting of the town are carried on under two Acts of Parliament, one passed in 1776, entitled, "An Act for paving, cleansing, lighting and watching the borough and town of Weymouth and Melcombe Regis, in the county of Dorset; and for removing

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removing all incroachments, obstructions and annoyances therein;" the other, an Act of 1810, entitled, "An Act for more effectually cleansing, lighting and watching the borough and town of Weymouth and Melcombe Regis, in the county of Dorset, and removing incroachments and annoyances therein; for licensing and regulating chairmen and other persons plying for hire; for establishing markets; and for giving further powers to the Quay Master of the harbour of the said town." The mayor, aldermen, bailiffs and principal burgesses are *ex officio* trustees for the execution of these Acts, together with other individuals named in the first Act or subsequently appointed; but no such trustees have been appointed for many years. The qualification required in a trustee is a real estate of 20 *l.* a year, or a personal estate amounting to 500 *l.*

Watching, Lighting, Paving.

Under these Acts, eight Watchmen are appointed; the town lighted, and in part paved. The three main streets, namely, St. Mary-street, St. Thomas-street, and Maiden-street, and the road from the turnpike to the point where these three streets branch off, are under a turnpike trust. The other streets, &c. in the borough are under the trustees of the Paving Acts. The rate which the trustees are authorized to raise is not to exceed sixpence in the pound in any one quarter of a year. The rate actually raised is about two-pence in the pound. The value on which it is assessed is taken from the poor-rate, and is about one-third of the real value. About 210 *l.* is the amount raised in the course of the year.

Power was given to the corporation by the Act of 1810, to erect and establish any markets within the borough; and under their authority, a new fish market was erected in 1827 by individuals, who took the ground on which the market was established for a long term of years, paying a ground-rent of 20 *l.* a year. Whatever profit arises from the fish market, as well as from the other markets, goes to the market fund.

Watermen, Chairman, &c.

The part of the Act of 1810, which relates to sedan chairs, bathing machines, watermen, &c. is not at the present time fully acted upon. Watermen and chairmen were at one time licensed by the corporation, but this has not been the case for four or five years past. There is a table which regulates their fares, as well as the fees of porters, coal carriers, &c.; but it does not appear that it is in practice much resorted to. The bathing machines are all in the hands of a company of individuals, who pay the corporation 7 *l.* 10 *s.* a year for the use of the Sands.

Revenue.

8. The Revenues which the corporation receive are distributed under four separate heads:—The General Account; the Market Account; the Harbour Account; and the Bridge Account. The first consists of an income, which is applicable to the general purposes of the corporate body. The second is composed of receipts, which have been by the corporation itself appropriated to specific purposes. The third and fourth are accounts kept by them as trustees under particular Acts of Parliament, and the funds which they hold in respect of such trusts are applicable to the particular objects pointed out by the legislature.

General Account.

The revenue received under the General Account consists of rents, the greater part of which are ground rents of houses in the borough, erected under building leases granted at different times by the corporation. A sail-loft on the quay and other premises there, together with a marsh above the bridge, containing about 18 or 20 acres, are all of their property that is let at rack-rent, unless, indeed, the license to use the Sands is to be regarded as a letting of the same kind. The present building leases have various periods yet to run, from forty to eighty or ninety years. The reversions in some of the leases of this nature were sold by auction in 1817 or 1818 for about 5,000 *l.* and a debt of about that amount was then paid off to the trustees or executors of Sir William Pulteney. The sum thus paid off had been borrowed of Sir William Pulteney, partly for defraying the expense of obtaining the charter of Geo. III. which is said to have cost about 2,000 *l.* and partly for other purposes.

Debt on General Account.

The Debt on the General Account amounted in 1833 to 1,650 *l.* Of this sum, 650 *l.* were borrowed in 1827 to pay the expenses of a prosecution against several persons for a riot at the election in 1826, and of employing special constables at that election. In 1830 the further sum of 1,000 *l.* was borrowed to pay off the balance then due to the treasurer.

Expenditure on General Account.

The heads of Expenditure, under the General Account, are as follows:—Interest of Debt; Salaries and Expenses of Officers; Rates, Taxes and Insurance; Jury Dinners; Fee Farm Rents, &c.; Works and Repairs; Law Expenses; Gaol; Payments in respect of Trusts and Charities; Printing, Stationery and Advertisements; Petty Disbursements.

Works and Repairs.

The Works on the Esplanade, and the repair of them, are a very considerable expense to the corporation.

Law Expenses.

Law Expenses have also occasioned from time to time great draughts upon the corporate revenues. In 1818 there was a *quo warranto* against the mayor, the question being whether he had received the sacrament. The corporation appointed a committee to defend the proceedings by the advice of the recorder. The proceedings were dropped, and the corporation paid the expense of defending them. In 1821 there was another *quo warranto* information against the mayor. The question arose upon the number of principal burgesses required to be present at the election. The Court of King's Bench were of opinion that there must be a majority of the chartered number; and there having been fewer present on that occasion, judgment of ouster was given. The costs on both sides were paid out of the corporate funds. In 1828, a committee was also formed to defend proceedings by *quo warranto* against the town-clerk. The account of the expenses thus incurred was finally closed in 1830–1831, and the sum of 339 *l.* 11 *s.* 8 *d.* was paid by the corporation. In Michaelmas Term 1830, there

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there were proceedings by *mandamus* for the election of a mayor and bailiffs, there not having been a full corporate meeting on the 21st September. In the same term there was also a *quo warranto* information moved for against one of the bailiffs then in office, on the ground that he was not a burgess or inhabitant at the time of his election. The Court of King's Bench being satisfied that he was both one and the other, discharged the rule. These proceedings in *mandamus* and *quo warranto*, in 1830, appear to have cost the corporation in all above 150*l.* The prosecutions instituted in 1826 against several persons for a riot at the election for Members of Parliament, were terminated by the conviction of the principal parties in 1827. The whole cost of these prosecutions was 508*l.* 1*s.* 8*d.* The Crown, on petition, granted to the corporation 142*l.* 10*s.*, part of the fine imposed. The remaining expense, 365*l.* 11*s.* 8*d.*, was defrayed out of the corporate fund.

Receipts and Disbursements.

The following are the Receipts and Disbursements of the General Account for the three last years. The dividends which appear in the receipts are a trust in the hands of the corporation for the salary of a schoolmaster, which appears on the other side of the account. Theinterest having been reduced, the payment has also, in the last year, been reduced in the same proportion:—

Year ending 25th June 1831.

RECEIPTS:

	£.	s.	d.
Balance of former account	161	7	4
Rents	265	1	10
Dividends on 4 per cent. stock	8	8	9
Balance (being excess of expenditure)	294	17	4
£.	729	15	3

EXPENDITURE:

Interest of debt					107	10	–
Salaries and Expenses of Officers; viz.							
Town Clerk	20	–	–				
Beadle	20	–	–				
Serjeants at Mace	10	10	–				
Clothes for Beadle and Serjeants	11	13	5				
Constables	20	19	–				
					83	2	5
Rates, taxes and insurance					8	13	2
Jury dinners					15	15	–
Fee-farm rents, &c.					13	18	3
Works and repairs					40	9	6
Law Expenses, viz.:							
R. *v.* Tizard	339	11	8				
Mandamus	20	–	–				
					359	11	8
Gaol					24	14	–
Trusts and Charities: viz.							
Schoolmaster	10	10	–				
Other Gifts	8	15	8				
					19	5	8
Printing and advertisements					34	19	10
Average Interest to treasurer					6	13	4
Donation to widow of a Serjeant at Mace					5	–	–
Petty disbursements					10	2	5
£.					729	15	3

Year ending 29th June 1832.

RECEIPTS:

Rents	316	11	10
Sale of seven lots of ground in the Backwater for 100 years	166	–	–
Dividend on 3½ per cent. stock	7	17	6
Balance (being excess of expenditure)	374	15	2
£.	866	4	6

EXPENDITURE:

Balance of former Account				294	17	4
Interest of debt				57	10	–
Salaries and expenses of officers: viz.						
Town Clerk	20	–	–			
Beadle	20	–	–			
Serjeants at Mace	10	10	–			
Constables and Special Constables	56	6	6			
				106	16	6
Rates, taxes and insurance				9	3	2
Jury dinners				15	15	–
Fee-farm rents, &c.				2	10	–
Works and repairs				90	18	2

Law

	£.	s.	d.	£.	s.	d.
Law Expenses: viz.						
Mandamus for election of Bailiffs	20	16	5			
Defence of *Quo Warranto*	60	12	1			
Town Clerk's professional bill, including returns to Mandamus in 1830	73	17	–			
Town Clerk's bill for case and opinions	11	19	9			
				167	5	3
Gaol				13	5	–
Trusts and charities				19	5	8
Printing and advertisements, &c.				19	13	6
Town Clerk's professional bill, including 18*l.* for admission stamps				42	19	9
Average interest to Treasurer				15	–	–
Petty disbursements				11	5	2
			£.	866	4	6

YEAR ending 24th June 1833.

RECEIPTS:

Rents				343	13	3
Fine for disorderly house				–	12	–
Dividends on 3½ per cent. stock				7	17	6
Balance (being excess of expenditure)				479	13	7
			£.	831	16	4

EXPENDITURE:

	£.	s.	d.	£.	s.	d.
Balance of former account				374	15	2
Interest of debt				107	10	–
Salaries and expenses of officers; viz.						
Recorder, 3 years	12	12	–			
Town clerk and beadle salaries	40	–	–			
Serjeants-at-mace and beadle	15	–	–			
Constables and special constables	70	2	4			
				137	14	4
Rates, taxes and insurance				9	14	8
Jury dinners				15	15	–
Works and repairs				121	2	7
Law expenses; viz. Town clerk's professional bill				5	2	10
Gaol				5	16	–
Trusts and charities; viz.						
Schoolmaster	7	17	6			
Other gifts	8	15	8			
				16	13	2
Printing and advertisements, &c.				13	–	9
Average interest to treasurer				15	–	–
Petty disbursements				9	11	10
			£.	831	16	4

Market Fund.

Certain dues arising from the market and the harbour were, until the last few years, taken by the mayor for the time being, who paid certain usual outgoings from the fund, and retained the remainder, as the emoluments of his office. They have, for this reason, acquired the name of Mayor's Dues. In the year 1830 a new arrangement was made. The mayor has since that time received a fixed salary of 100*l.* a year, payable out of these dues, which are also charged with the same payments as before the alteration. The residue is allowed to accumulate, in order to form a fund for building a new town hall. The following are the receipts and disbursements on account of this fund, since its new appropriation in 1830.

FIRST ACCOUNT, ending September 20th, 1830.

RECEIPTS:

	£.	s.	d.
Market dues, let by auction, from February 1830, to September 20th, 1830	205	–	–
Harbour dues, let by auction at the same time, to the same day	40	–	–
£.	245	–	–

EXPENDITURE:

¾ year allowance to mayor	75	–	–
Ditto – – – serjeants-at-mace	48	15	–
Allowances, &c. to constables	29	3	–
Repairs, &c.	9	19	1
Amount of market dues uncollected and lost	44	10	–
Balance in hand	37	12	11
£.	245	–	–

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Year ending September 20th, 1831.

RECEIPTS:

	£.	s.	d.
Balance of former account	37	12	11
Market dues, let as before, one year	280	–	–
Harbour dues - - ditto - - ditto	40	–	–
£.	357	12	11

EXPENDITURE:

Mayor, serjeants, constables, &c.	191	17	–
Repairs and sundries	10	12	6
Balance in hand	155	3	5
£.	357	12	11

Year ending September 20th, 1832.

RECEIPTS:

Balance of former account	155	3	5
Market dues, let as before, one year	250	–	–
Harbour dues - - ditto - - ditto	38	–	–
£.	443	3	5

EXPENDITURE:

Mayor, serjeants, constables, &c.	184	13	–
Allowed, loss by deficiency	24	17	–
Sundries	14	18	4
Balance in hand	218	15	1
£.	443	3	5

Year ending September 20th, 1833.

RECEIPTS:

Balance of former account	218	15	1
Market dues, let as before, one year	275	–	–
Harbour dues - - ditto - - ditto	40	–	–
£.	533	15	1

EXPENDITURE:

Mayor, serjeants, constables	195	16	–
Sundries	5	12	–
Balance in hand	332	7	1
£.	533	15	1

Harbour Account.

Under an Act of 6 George the Fourth, intituled, "An Act to amend and enlarge the powers and provisions of several Acts relating to the Harbour and Bridge of the Borough and Town of Weymouth and Melcombe Regis, in the county of Dorset;" certain duties are collected by the corporation, called petty customs or wharfage duties, harbour dues, and ballast duties; the first being levied upon all imports and exports, the second upon all vessels sailing into the harbour, the third upon the shipping and unshipping of ballast in the harbour, each being levied according to the tables contained in the schedule of the Act. They are vested in the corporation as trustees, for the purpose of repairing, improving and maintaining the harbour wharfs, quays and piers within the borough. All these dues are let by public auction from Christmas in every year. They have been taken by a lessee for the ensuing year at 1,400 *l.*

There is a debt of 7,000 *l.* secured by a mortgage of the harbour dues, and bearing five per cent. interest. The whole or the greater part of this sum was laid out in 1824 and 1825, upon the pier and works at the entrance of the harbour. The rebuilding of the quays is carried on gradually as the funds permit; but it is calculated that to complete the remainder of the works in the same manner will require at least 10,000 *l.*

The following is a summary of the harbour accounts for three years past:

Year ending 29th June 1831.

RECEIPTS:	£.	s.	d.
Balance of former account	302	8	9
Three quarters of a year wharfage, &c.	941	5	–
£.	1,243	13	9

EXPENDITURE:			
Interest on 7,000 *l.*	350	–	–
Land tax	24	1	–
Salary to harbour master	40	–	–
Harbour master's yearly bill	48	15	8
Surveyor	60	1	6
Receiver's salary in lieu of poundage	21	–	–
Labour and materials	473	5	9
Sundries	39	18	3
Balance in hand	186	11	7
£.	1,243	13	9

Year ending 29th June 1832

RECEIPTS:			
Balance of former account	186	11	7
Wharfage, &c.	1,485	–	–
£.	1,671	11	7

EXPENDITURE:			
Interest on 7,000 *l.*	350	–	–
Land tax	24	1	–
Salary and extra pay to harbour master	60	–	–
Receiver's salary in lieu of poundage	21	–	–
Labour, materials, &c.	905	17	9
Printing and sundries	8	13	–
Balance in hand	301	19	10
£.	1,671	11	7

Year ending 24th June 1833.

RECEIPTS:			
Balance of former account	301	19	10
Wharfage, &c.	1,406	5	–
Balance (being excess of expenditure)	135	14	10
£.	1,843	19	8

EXPENDITURE:			
Interest on 7,000 *l.*	350	–	–
Land tax	24	1	–
Salary to harbour master	40	–	–
Receiver's salary in lieu of poundage	21	–	–
Labour, materials, &c.	1,398	13	–
Sundries	10	5	8
£.	1,843	19	8

Bridge Account.

The corporation are also trustees for maintaining and keeping in repair the bridge, which connects the town of Weymouth with that of Melcombe Regis; and to enable them to fulfil this trust, different powers are granted by the above Act of 1825, and by a former Act of 1820, intituled, "An Act for repairing or taking down and rebuilding the Bridge within the Borough and Town of Weymouth and Melcombe Regis, in the county of Dorset." Under the Act of 1825 certain tolls are taken for carriages and horses, &c. passing over the bridge. These tolls were let by tender for three years from Midsummer last. Before that time they were let by auction from year to year. There was an increase in the rent offered on the last letting. The corporation also receive under the same Act a duty of 1*s.* 6*d.* per chaldron on all coals, culm, &c. landed in the port of Weymouth; but there is a drawback to the full amount of the duty, on all such coals, &c. as are carried through the turnpike gate on Melcombe Narrows, except what are intended to be consumed within the parish of Radipole. These coal dues have been in hand for the last two or three years, and produce about 200 *l.* a year

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a year more than when let by auction. There is also a rate which the corporation are empowered to raise, called a bridge rate, of sixpence in the pound, on the owners of all houses, lands, &c. within the borough. The amount raised in this manner is said to be not more in reality than two-pence in the pound. And a small addition to the bridge revenues arises from the payments made for vessels passing through the swing bridge.

The rebuilding of the bridge occasioned a debt of 19,125*l.* borrowed on mortgage of the above-mentioned duties, rates and tolls, at five per cent. There is now no annual outlay to any considerable amount required for the repair of the bridge, and the funds are therefore applied in gradually paying off the debt.

The bridge accounts for three years past are as follows:

Year ending 29 June 1831.

RECEIPTS:	£.	s.	d.
Balance of former account	66	1	5
Bridge tolls	302	10	–
Coal dues	730	3	9
Bridge rate	142	5	8
For vessels passing through bridge	24	–	–
£.	1,265	–	10

EXPENDITURE:			
Interest of debt	973	2	6
Principal paid off	150	–	–
Ground rents and land-tax	3	8	–
Salaries, &c.	18	18	–
Receiver's poundage	14	17	–
Labour, materials, &c.	37	11	–
Balance in hand	67	4	4
£.	1,265	–	10

Year ending 29 June 1832.

RECEIPTS:			
Balance of former account	67	4	4
Bridge tolls	294	–	–
Coal dues	956	12	–
Bridge rate	302	7	6
Vessels passing through bridge	20	14	–
£.	1,640	17	10

EXPENDITURE:			
Interest of debt	965	12	6
Principal paid off	150	–	–
Ground rents and land-tax	3	15	5
Salaries	15	–	–
Receiver's poundage	19	13	6
Architect	30	15	–
Town Clerk's bill	7	16	–
Labour, materials, &c.	46	4	8
Balance in hand	402	–	9
£.	1,640	17	10

Year ending 29 June 1833.

RECEIPTS:			
Balance of former account	402	–	9
Bridge tolls	301	10	–
Coal dues	1,001	5	–
Bridge rate	230	8	9
Vessels passing through bridge	17	14	–
£.	1,952	18	6

EXPENDITURE:			
Interest of debt	958	2	6
Principal paid off	150	–	–
Ground rents and land-tax	3	15	5
Salaries, &c.	18	8	–
Receiver's poundage	19	7	6
Surveyor	15	–	–
Town Clerk's bill	1	17	6
Labour, materials, &c.	18	19	–
Balance in hand	766	18	7
£.	1,952	18	6

For

For the purpose of auditing the Harbour and Bridge Accounts, the mayor, aldermen, bailiffs, and principal burgesses, or the major part of them, are required by the Act of 1825 to meet together on Friday next after the 24 June in every year. These accounts, as well as the general account of the corporation, are made up to about that time, and all are audited together by an assembly constituted according to the Act. If a sufficient number do not meet on that day, the audit of the accounts is adjourned to another meeting. Audit of Accounts.

9. The Town of Weymouth and Melcombe Regis must be considered at the present time as in a flourishing state. It is a watering place frequented by numerous visitors, and having many respectable families permanently settled there. Several houses have been erected within the last year, and many more are intended to be built. The operation of embanking the Backwater is also in progress, and is intended to be carried on in a systematic manner, which will greatly improve the aspect of the place, and the property of the corporation. State of the Town. Buildings.

The united Population of Weymouth and Melcombe Regis has been increasing, and is likely still to increase:— Population.

In 1821, it was - - - - -	6,622
In 1831, - - - - - -	7,655

and it may now be considered as more than 8,000.

With regard to the Trade of the port, some increase may be presumed to have taken place from the recent advance in the amount of harbour dues; but no such symptom of improvement appears in the following Return of Shipping:— Trade.

Port of Weymouth.

A Statement, showing the Trade of this Port for each of the last Three Years.

		1831.	1832.	1833.
Foreign -	Vessels with cargoes, inwards - - -	40	42	37
	Ditto - - - ditto - outwards - - -	24	29	25
His Majesty's Post-office Packets, inwards - - -		104	104	101
Ditto - - - - - - - - - outwards -		104	104	101
Coasting	Vessels with cargoes, inwards - - -	356	367	355
	ditto - - - ditto - outwards - - -	322	330	319
Number of registered vessels belonging to the port -		84	86	79

Edwd J. Gambier.

The following Papers accompany this Report:—

A printed copy of the Governing Charter;
List of Voters as revised in October 1833;
Tables of Costs in the Court of Record;
An Act, 30 June 1820;
An Act, 10 June 1825;
Return of Names, &c. of Officers of the Corporation.

REPORT

ON

THE CORPORATION OF WILTON,

(WILTSHIRE.)

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CORPORATION OF WILTON.

1. THE borough of Wilton is not co-extensive with the parish of Wilton, or with any known subdivision of it. Its boundary line is an arbitrary one; but the limits are well ascertained, and the knowledge of them is kept up by perambulations regularly taken every seven or eight years. The last perambulation was in 1829. LIMITS. Perambulations.

The new Parliamentary Borough is formed by the addition of the remaining part of the parish of Wilton, together with the entire parishes of Fugglestone St. Peter, Britford, Netherhampton, Barford St. Martin, Burcombe, Wishford, South Newton, Woodford and Stratford-under-the-Castle (which contains the borough of Old Sarum); parts of the parishes of Fisherton Anger, West Harnham, Humington, Combe Bissett, Stratford Toney and Bishopsstone; the whole parish of Great Durnford, except a detached part called Normanton Farm; and part of Grovely Woods, an extra-parochial district. Additions by the Boundary Act.

2. The borough of Wilton is of great antiquity, and had a Gild Merchant at a very early period. In a charter of Henry the First, which is dated at Clarendon, and which is supposed to have been granted in the first year of his reign, the franchises and liberties therein mentioned are given to his burgesses of his Gild Merchant and Company (*Consuetudine*) of Wilton. By this charter they had a grant of the same exemptions and freedom from toll and custom as were enjoyed by the burgesses of London and Winchester. HISTORY. Charter of Henry I.

A similar charter was granted by Henry II., having a reference in it to the preceding one of Henry I. The charter of Henry II. is dated at Sarum. Like the preceding one it has no mention of the time when it was granted; and it is by tradition only that it is conjectured to have been made in the second year of Henry II. Charter of Henry II.

A charter, dated 21st April, 5 John, contains a similar grant, and refers to both the former charters, which are also confirmed by the following charters:— Charter of John.

14th February,	13 Henry III.	20th May,	1 Henry IV.	Charter of Confirmation.
18th October,	2 Edward I.	11th November,	1 Henry V.	
28th November,	5 Richard II.	1st July,	11 Henry VI.	

This last charter recites a confirmation of the former charters, as having taken place in the first year of the same King, with the advice and assent of the Lords Spiritual and Temporal in Parliament.

The Corporation, besides the original charters above mentioned, possess the following documents relating to their rights, privileges or possessions:—

An exemplification, dated 1st December, 37 Edw. III., of the Liberties of the City of London claimed by the burgesses of Wilton, and exemplified at their request. Liberties of London.

An exemplification, dated 28th January, 37 Edw. III., of proceedings before the Judges of Assize, in which, on pleading the King's charter, and on a claim of liberty to hold Pleas at Wilton and not elsewhere, the same was allowed by the Justices. Holding of Pleas.

A charter, dated 24th May, 11 Henry VI., granting a Market on Wednesday, and two Fairs, one called St. George's, the other St. Giles's Fair. Market and Fairs.

A charter, dated 20th February, 19 Charles II., granting two other Fairs.

These latter Fairs are not now kept.

In the first year of James II. a new Charter of Incorporation, bearing date the 7th October in that year, was granted to the borough of Wilton. It restricted the number of burgesses, which was before unlimited, to thirty-four, including the Mayor, and it reserved to the Crown the power of displacing the members of the Corporation by order in Council, under which authority several were at different times removed. Charter of James II.

On the 29th October 1688, the Corporation returned to their ancient charters, under the authority of the King's proclamation and order in Council; a copy of each of which documents, printed at the time, is still in their possession. Return to ancient Charters.

None of the ancient charters contain any form of constitution for the Borough; and the names and numbers of the members of the Corporation, and of its various officers, are wholly regulated by prescriptive usage.

3. From time immemorial the Corporation appears to have consisted of a Mayor and an unlimited number of Burgesses. It is styled "The Mayor and Burgesses of the Borough of Wilton, in the county of Wilts." CORPORATE BODY. Style and Constitution.

The Mayor is elected by the preceding Mayor and the Burgesses at large, on the Thursday next after Michaelmas in every year, from three Burgesses previously nominated by those Mayor.

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who have before filled the office of Mayor, and who are distinguished by the name of Magistrates. The election takes place in the church of Wilton after Divine Service. It is usual for the Mayor who is in office to retire to the Council Chamber, leaving the other members of the Corporation in the church. The Town Clerk then, in their presence, reads the minutes of the previous meeting for the nomination of three Burgesses, and then calls over the list of the Corporation, beginning with the junior member, and each Burgess, as called, gives his vote. After the list is gone through, an officer is sent to the Mayor for his vote. The party who has the majority of votes carries the election. He is sworn into his office at the Court Leet of the Earl of Pembroke, the lord of the manor, on the 13th October. If the 13th happened to fall on a Sunday, it was usual for the Mayor (until the late Act of Parliament was passed for altering the day) to take the oath before the senior Alderman on the Sunday; and he was invested with the ensigns of office at the Court held on the following day; but last year, under similar circumstances, he was sworn in at the Court on the Monday.

Deputy Mayor.

The mayor holds his office for one year, and is not removable by the Corporation. He is not required to be resident. Indeed until within a few years, there were generally Deputy Mayors, and it only happened occasionally that the actual mayor resided in the borough. The deputy mayor used to be appointed by the mayor without deed or other writing, and was sworn in on the same day as the mayor. Any one of the resident burgesses might be appointed to the place of deputy mayor.

Fine for not serving.

By a bye-law there is a fine of 5*l.* for refusing to serve the office of mayor; but it has not been imposed for more than 40 years.

Burgesses.

The Burgesses are chosen at a common council of the Corporation, whenever it is thought expedient to add to the numbers of the body. By a bye-law of 1732, it was ordered that all common councils should consist of not less than 16, the mayor being one, and that the mayor should have a casting vote. It is therefore necessary that sixteen should be present at the election. The burgesses are elected for life, and are sworn before the mayor and burgesses. They are not necessarily taken from the inhabitants; indeed the great majority of those elected are strangers to the borough; nor are they required to be resident after they are elected. Of the present members of the Corporation seven are resident, and twenty-four non-resident. There are also twelve who have been elected, but who have not applied to be sworn and admitted.

Residence.

The mayor and burgesses appear to form the whole body that can properly be termed the Corporation. There is a recorder, and there are also aldermen, but neither of them appear in this borough to have a distinct corporate character, and they act at the councils in no other capacity than in that of burgesses.

Magistrates.

The only persons that can in any respect be considered a separate integral part of the Corporation, are the Magistrates, who nominate for the office of mayor; but this is the only function they have to perform; and when it is discharged, they appear to fall again into the rank of ordinary burgesses.

Fees on Admission.

Each burgess, on his admission, pays to the Corporation chest, 13*s.* 4*d.*; to the town clerk for stamp and parchment, 3*l.* 7*s.*, and for his fee, 2*l.* 2*s.*; to the serjeants, 2*s.* 6*d.*

Officers.

4. The Officers of the Corporation, besides the mayor, are the following: high steward, recorder, five aldermen, town clerk and steward of the fairs, two auditors of account, two serjeants and bailiffs, inspector of the market, beadle and ale-taster.

Two coroners for the borough were formerly appointed on the same day as the mayor; but none have been appointed for a great many years.

Mayor.

The Mayor is a justice of the peace during his mayoralty, and was the presiding judge in the court of record which has fallen into disuse. He is also the returning officer of the borough. He has a salary of 35*l.* a year. When the office was served by deputy, the deputy always received the salary. The mayor always gives two dinners in the course of the year, one on coming into office, the other on going out.

High Steward.

The High Steward is elected for life by the mayor and burgesses. It is an honorary office, without salary or emolument attached to it.

Recorder.

The Recorder is also chosen for life by the mayor and burgesses. He is a justice of the peace for the borough. His salary is 5*l.* 5*s.* a year, and he has no other emoluments. The recorder, on his election, pays a fee of 3*l.* 3*s.* to the town clerk, and a fee of 1*l.* 1*s.* to the serjeants. The present recorder resides within the borough.

Aldermen.

The five Aldermen are elected by the body for life, each alderman for one of the five wards of the borough. The wards are named East Street, West Street, South Street, Minster Street, and Kingsbury. The aldermen are taken from those who have served the office of mayor. It does not appear that they have now any duties to perform. Their connexion with the court of record will be hereafter mentioned.

Town Clerk and Steward.

The Town Clerk and Steward of the fairs is also elected by the body, and holds his office for life. He receives all the corporate revenues, makes all disbursements, and keeps the accounts. He is also clerk to the justices for the borough. As town clerk, his salary is 5*l.*; as steward, 5*l.* 5*s.*; as clerk to the justices he receives the same fees as are allowed to the justices' clerks in the county at large. The amount is very small.

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Two of the burgesses are annually elected by the body to examine the town clerk's and steward's accounts, and are called Auditors of Account. They have no salary or other emolument. Auditors of Accounts.

Two Serjeants and Bailiffs are elected annually by the mayor, on coming into office. They are the mace-bearers and mayor's officers. Their salary is 2*l* 10*s*. each, and a gown occasionally. Serjeants and Bailiffs.

The same person is annually elected to the three remaining offices, that of Inspector of the Market, that of Beadle, and that of Ale-taster. He is the mayor's officer, and is attendant on him. His salary is 2*l*. a year, and a suit of clothes once in three years. Beadle, &c.

5. The only court which appears to have been ever held in the borough of Wilton, except the court leet, is a Court of Record, called in some of the entries, "The Court of Pleas of the Borough of Wilton." This court has not been held since the year 1781. Its jurisdiction in personal actions was apparently unlimited as to the amount of debt or damages, and it had power to entertain actions of ejectment. The mayor was always the presiding judge. The aldermen also appear to have been considered in later times as judges of the court, and it is sometimes called the Court of Aldermen. The earlier entries of the proceedings renderi t however somewhat doubtful whether they were invested with the office of judge. But they were certainly bound to attend the court, and were frequently fined for not doing so, a proceeding, it may be remarked, which is somewhat extraordinary, if they were really judges of the court. In some of the earlier entries, they appear also to have made presentments; and in those entries the court is stated to be held before the mayor. COURTS. Court of Record.

The officers of the court were a prothonotary, a deputy prothonotary and an inferior officer, called a minister, who summoned the jury, and probably executed the process of the court.

The form of proceeding was similar to that of the superior courts. No table of fees remains; but from a taxed bill of costs of the year 1779, it appears that the costs of an action in which judgment was by default, and a writ of inquiry executed, amounted to something more than 5*l*. This may be taken to be the lowest expense at which an action could be conducted, from its commencement to final judgment and execution.

There was formerly a prison in which persons were confined under the process of the court of record, and one person is remembered to have been confined in it about 60 years ago. The dimensions of the prison being small, he had the privilege of going out by day and ranging in the open air as far a chain of 15 or 20 yards in length, by which he was attached, would allow him to go; and it was only during the night that he was in close confinement. The prison is now only used as a lock-up house. Gaol.

6. The Police of the town consists of two head constables and two petty constables. The former on their year of office expiring are succeeded by the latter, and two fresh petty constables are then named by the mayor, and are sworn at the court leet. POLICE.

The town is lighted partially, and watchmen are occasionally appointed, but both the one and the other are provided by private subscription; and there are no local Acts which regulate these matters.

7. The Corporation are the owners of houses and land situated, all but one close, within the borough of Wilton. Eleven distinct properties are let on leases for 21 years, renewable every seven years, and Quit Rents are reserved upon the leases, amounting to 8*l*. 13*s*. 4*d*. a year. REVENUE. Quit Rents.

The fines for Renewals may be calculated, on an average, at 10*l*. a year. Renewals.

The Rack Rents of houses, including the workhouse, the rent of which is, for the benefit of the town, set at a low rate, amount to 18*l*. 13*s*. 6*d*. Rack Rents.

The tolls of the Fairs are let for a term of three years, and a rent of 148*l*. is paid for them; but the Corporation pay for the rent of the fair ground 13*l*. a year. Fairs.

The small payments to the Corporation chest by Burgesses on their admission amount, on an average, to about 6*s*. 8*d*. a year. Fines on Admission of Burgesses.

The mode in which the above-mentioned income is disposed of, will sufficiently appear from the following abstract of the Corporation accounts for three years.

From Michaelmas 1830 to 1831.

Receipts:	£	s.	d.
Balance of former Account -	231	8	6
Rents and Quit Rents - -	169	5	10
Fines on Renewals - - -	12	10	–
Fine on Admission - - -	–	13	4
	413	17	8

Expenditure:	£	s.	d.
Poor Rate and other Rates - -	12	18	2
Insurance - - - - -	1	7	–
Salaries and Expenses of Officers	27	7	6
Works, Repairs and Sundries -	61	–	6
Stationery and Petty Disbursements	4	16	–
Balance in hand - - -	306	8	6
	413	17	8

Receipts and Disbursements.

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From Michaelmas 1831 to Michaelmas 1832.

Receipts:	£	s.	d.
Balance of former Account -	306	8	6
Arrears of Rents and Quit Rents	6	1	–
Rents and Quit Rents - -	173	5	10
Fine on Renewal - - -	12	12	–
	498	7	4

Expenditure:	£	s.	d.
Poor Rate and other Rates - -	13	2	8
Insurance - - - - -	1	7	–
Rent of Fair Ground - - -	13	–	–
Expenses of Registering Votes -	7	3	–
Subscription to Loan Blanket Society - - - - -	40	–	–
Subscription for a new Ring of Bells	20	–	–
Salaries and Expenses of Officers -	67	10	–
Works, Repairs and Sundries -	75	6	9
Stationery and Petty Disbursements	6	4	–
Balance in hand - - - -	254	13	11
	498	7	4

From Michaelmas 1832 to Michaelmas 1833.

Receipts:	£	s.	d.
Balance of former Account -	254	13	11
Arrears of Rents and Quit Rents	2	1	–
Rents and Quit Rents - -	24	5	10
Fine on Renewal - - -	7	–	–
	288	–	9

Expenditure:	£	s.	d.
Poor Rate and other Rates - -	12	4	7
Insurance - - - - -	2	5	–
Rent of Fair Ground - - -	13	–	–
Expenses of Registering Votes -	5	9	4
Subscription in aid of Free School	105	–	–
Salaries and Expenses of Officers -	59	10	–
Works, Repairs and Sundries -	41	4	1
Stationery, Printing and Petty Disbursements - - -	17	13	9
Balance in hand - - - -	31	14	–
	288	–	9

Accounts.

The accounts of the Corporation are kept in a very clear and distinct manner. They are made up, as appears from the foregoing abstract, at Michaelmas in every year; and they are passed by the auditors on Wednesday in Easter week.

Patronage.

8. The Corporation have the appointment of the prior of St. Giles's hospital, a very old charity in the neighbourhood of Wilton; and this patronage they appear to have been entitled to before the reign of King John.

State of the Town.

Manufactures.

9. The manufactures of Wilton are not so considerable as they formerly were. The woollen factories have almost entirely disappeared. The manufacture of carpets, which is now the only considerable one, is not so extensive as it has been. The consequences of this decline of trade have appeared in the increase of the poor rates, and in the general state of the town.

Poor Rate.

The evil of increasing poor rates seems however to have reached its *maximum* some years ago. They are still nearly four times as great as those of the neighbouring parishes, and were last year as high as 17*s.* in the pound on a valuation which was about three-fourths of the real value; but in 1810, 1811, 1812, they were as high as 21*s.* in the pound on a similar valuation.

Magistracy.

Considerable inconvenience is felt in consequence of the jurisdiction of the mayor and justice being confined to the limits of the borough. A great part of the parish of Wilton is out of the borough; and part of the hamlet of Ditchampton, and the hamlets of Burdenshall and Fugglestone St. Peter, form continuous lines of houses. As offenders frequently escape from justice for want of a more extensive jurisdiction in the borough magistrates and constables, it would perhaps be desirable that the most populous parts of the neighbourhood should be placed within the reach of the borough authorities. But any such addition of territory ought to be accompanied by an increase in the number of these justices, two being, even under the present circumstances, a number which is found to be inconveniently small.

Edwd J. Gambier.

PAPERS accompanying this Report.

Copy Perambulation of the Borough.

Copy Bill of Costs in the Court of Record.

Return of Names, &c. of Officers.

REPORT

ON

THE CORPORATION OF YEOVIL,

(SOMERSETSHIRE.)

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CORPORATION OF YEOVIL.

1. THE borough of Yeovil comprehends not more than one-third of the town. It is co-extensive with one of the tithings of the parish, called the tithing of Yeovil Borough, and the boundary is well ascertained and defined. LIMITS.

2. The Corporation possess no Charters, nor any records of their early history. They claim to be a corporation by prescription. The only information which they are able to give respecting their ancient state and condition is derived from the muniments of the present Lord of the Manor, Liberty or Lordship of the Borough, from a document in the British Museum, the date of which has not been stated to me, and from certain records in the Tower of London. HISTORY.

The Lord of the Manor has in his possession a paper which purports to be an agreement made at Somerton before certain Justices of the Peace for the county of Somerset, and several witnesses, on occasion of some differences which had arisen between Robert de la More, parson of the church of Yevele, the Lord, and his burgesses. It is dated Tuesday next after the Purification of the Blessed Virgin Mary, 1305, and in 34 Edw. I. By this agreement it appears that the parson of the church of Yeovil was lord in right of his church; and it contains among other things this stipulation, "And every one of them," (his burgesses,) "without distinction (*indifferenter*) shall be præpositus of the said borough when he shall have been elected by the burgesses, received and approved bythe parson: and he shall be sworn to the same parson: and he shall be answerable to the same parson for the rents, amerciaments, and all profits whatsoever arising from his courts." "And that every one of them ought to do suit at his court from three weeks to three weeks, if a writ of our Lord the King be pending in the same; and if it is not, he shall come to the portmote of the parson on a summons of three days. Et in eodem portumoto cuilibet querenti stabit recto." "Furthermore they acknowledged and granted that the parson of the said church, and all his successors, ought to have view of frankpledge twice in the year, *scilicet ad finem Sancti Michaelis et ad le Hokeday*, and that all the burgesses within his liberty aforesaid ought to come to the same view *ad presentandum omnes articulos Coronæ*; and that the same parson as lord, and all his successors, ought to have all the profits and amerciaments of the same views, &c." Besides Robert de la More, twelve persons put their seals to this writing in the name of the præpositus and of all the other burgesses, together with the seal of the commonalty of the town. Agreement, 34 Edw. I.

The Latin copy in the Lord's possession is stated to have been examined with the record remaining in the Augmentation Office at Westminster in 1736 by Owen Davis, keeper of the Records of the said office, and it is referred to as being in press No. 17, Survey Room.

From the Records in the Tower, 40 Edw. III. it appears by a verdict, upon the seizing of the profits of the shambles, with the appurtenances in Yeovil by the King's escheator, that the parson of the church of Yeovil was lord of the said town in right of his church. Records in the Tower, 40 Edw. III.

By another verdict, taken also from among the same Records of the date of 15 Richard II., and further shown by inspeximus of 8 Eliz., a jury, in a *scire facias* upon an inquisition, among other things, found that the Provosts and Commonalty of the said town, as in right of the said town, were and had been seised of certain messuages, &c. time out of mind, and before the Statute of Mortmain: That the provost of Yeovil for the time being held every day, as of right, &c. the Court stated in the plea (which was a Court of Pie Poudre belonging to the parson, as lord); that the fines and amerciaments thence proceeding the said parson for the time being had, time out of mind, received; and that the commonalty of the said town had a common seal amongst them, and had, time out of mind, therewith sealed divers writings, &c. 15 Richard II.

The document in the British Museum states that certain lands, of which the borough of Yeovil formed a part, at a particular period fell to the Crown, and that some one of the Kings of England annexed part of them, by the name of the Manor of Yeovil, to the parsonage of the church of St. John the Baptist, *ab antiquo*, in the said town of Yeovil, and endowed it with divers privileges, such as a market on Fridays, profits of stallage, fairs, view of frankpledge; and the place in those days was called the town and borough, lordship and hundred of Yeovil, and was incorporated by the name of the Provost and Commonalty; and a Court of Pie Poudre was held by the provost every day in behalf of the parson of the town. The further history of the place is stated, in the same paper, to be as follows: That the manor and lordship of Yeovil continued in the rectors of this church till about the year 1418, when the parsonage and lordship were resigned to Henry V., who granted the whole to the Abbot and Convent of the Virgin Mary and St. Bridget, which he had founded at Sion, in the county of Middlesex; that this grant was confirmed by Edward IV.; that after the dissolution of that monastery Henry VIII. in the twenty-fifth year of his reign granted them to Queen Catharine Parr; that they afterwards came to Edward VI., in whose time the lordship was styled, "The borough, lordship and hundred of Yeovil;" that it continued in the Crown until the 8th James I., when it was granted to the persons from whom the ancestors of the present lord acquired it. Document in the British Museum. First Incorporation.

With regard to its government at the time when the document in the British Museum was composed, it is stated as follows: "The town is privileged with great liberties, and keepithe courts for deciding of suits. It is governed by a portreeve and burgesses, out of whom the portreeve, who is a magistrate for the time being, is annually chosen; there are also a Mace

YEOVIL.

Bearer and two constables for the town, and two others for the parish, which is distinct from the borough."

These extracts show that Yeovil is a very ancient corporation, and that it was always intimately connected with, and indeed dependant upon the lordship, which was vested at different times in the parson of the church, in the abbot of Sion Monastery, the Crown, or its grantees. The mode of electing the chief officer of the borough is at the present day very similar to that pointed out in the agreement made in 34 Edw. I. Modern usage has varied it by giving the nomination to the burgesses, and a greater power of choice to the lord.

CORPORATE BODY.

Style and Constitution.

3. The Corporation is now styled "The Portreeve and Burgesses of the Borough of Yeovil in the county of Somerset." It consists properly of a portreeve and eleven burgesses. There are at present only a portreeve and four burgesses, and there have not been for seven years past, besides the portreeve, more than five burgesses.

Portreeve.

The Portreeve is elected, not from the burgesses, but from the resident inhabitants of the borough; and it is understood that no one who has once become a burgess, which every portreeve does on going out of office, can afterwards be elected portreeve again. The only mode of access to the Corporation, is by being first elected to the office of portreeve, which election takes place in the following manner: At the court leet of the lord, held before his steward, sometime within the month after Michaelmas, the names of three resident inhabitants are presented to the steward by the portreeve and burgesses, and out of the three the lord chooses one to be portreeve for the next year. It is understood that he may take whichever of the three names he pleases; but it has been of late years usual to appoint the one which stood first on the list. There never has been any refusal to serve the office, as it has been always ascertained beforehand whether the party to be chosen would be willing to take it.

The presentment of the three names was at one time made by the jury which attended the court, who in the charge that was made to them were directed to present particularly who were to be their constables and portreeve. As late as 1761, it was the practice to make the presentment in this way; but in 1802, (whether for the first time or not does not appear), the presentment was made by the portreeve and burgesses, and has continued to be made in that form down to the last appointment of a portreeve in 1826. This latter mode of electing is certainly more conformable to the express words of the agreement of 1305; but on the other hand it is probable that in those early times all the householders of the borough were called, and really considered as burgesses, and that the jury must then of necessity have been composed of burgesses only.

Oath of Office.

The portreeve takes an Oath of Office at a court which is held before the Lord's steward on St. Thomas's day (21st December), and at which the preceding portreeve and the burgesses are also assembled. The oath is administered by the steward, and in taking it the portreeve swears to be a true and faithful portreeve and officer to the lord of the town and borough as his portreeve and officer of the said town and borough, and to uphold, &c., all the franchises, &c., of right belonging to the lord, and to perform all things else rightly appertaining to the office. Before 1797, the following passage was also part of the oath: "You shall also to the best of your skill and understanding, see that justice and right be equally and uprightly administered to all persons in all actions depending and to be depending in the three-week court of the said borough." In 1797 this part of the oath was omitted, the court alluded to having been long disused, and it has never been re-inserted in the oath since that time.

The corporation have preserved in their books an opinion given by Mr. Strange, as counsel, upon a case submitted to him in 1735, that the imposing of the oath was a usurpation by the lord of the borough. The document, however, of 1305, from which extracts have been made, shows that this usurpation, if one at all, was at least of very ancient date.

The portreeve, besides being sworn before the lord's steward, used always to attend at the quarter sessions in conformity with the Test and Corporation Acts, before they were repealed.

Continuance in Office.

He continues in office until his successor is duly sworn in. The present head of the Corporation has been in office for seven years. In 1829, a nomination was made by the burgesses only (the portreeve not concurring) of three persons, for the purpose of one being chosen by the lord of the borough, as portreeve for the ensuing year. On one of the three being appointed and sworn, a *mandamus* was obtained, directed to the portreeve of the former year, requiring him to give up the mace and seal to the party so chosen. In answer to the *mandamus*, it was alleged that the presentment had not been by the portreeve and burgesses, as by usage it ought to be, and that the party chosen had not in due time subscribed the declaration required by law. On these objections being made, one or both of which must have been considered as insuperable, all further proceedings in the *mandamus* were abandoned, and the present portreeve is now beginning his eighth year of office.

esidence.

The portreeve, though required to be resident within the borough in order to be eligible into the office, is not required to reside within it afterwards.

Burgesses.

It has already been stated in what manner alone Burgesses of the Corporation of Yeovil can be created. They are not required to be resident. Of the four Burgesses, the present existing number, two live within the limits of the borough and two beyond them; one of the latter lives at a distance of thirty miles from the borough, the other in the town of Yeovil.

Except for special occasions, the Corporation have no meetings of the body beyond those required for the purpose of electing and swearing in their portreeve; on which latter day the accounts are audited and signed. They have no bye-laws, impose no fines, and keep no books, except those in which their accounts are entered.

OFFICERS.

4. The only officer of the Corporation, besides the Portreeve, is a Mace Bearer.

YEOVIL.

With regard to the Portreeve, it may be doubtful whether he can be considered as invested with magisterial power. The only act of a magistrate, which he appears for some time passed to have executed, is that of what is called attesting recruits. There can be no doubt that he formerly presided in the Pie Poudre Court, and in the Three-Week Court; but both of these courts have been long since disused. The Portreeve has the charge of the corporate property, and keeps the accounts. Portreeve.

The Portreeve receives the following allowances:—For executing the office, 5*s.*; for entering the accounts, 5*s.*; for collecting rents, 6*s.* He has also some fees for attesting recruits, and a fee of 10*s.* 6*d.* for sealing documents that are to be sent abroad; and he formerly was entitled to receive to his own use the rent of what was called "The Court Chamber," and which was in fact the Town Hall. This used to be let for 5*l.* a year at rack rent; it is now let upon lives, reserving as before a right to hold in it the Court Leet, and the Court on St. Thomas's day.

Mace Bearer.

The Mace Bearer, who is also called the Bailiff of the Borough, is appointed by the lord of the borough. In the latter capacity he is the officer to whom the warrants for holding the courts are directed. He receives no pay; but the Corporation from time to time give him a suit of clothes.

Courts.

5. The Courts that were formerly held in the borough have been already incidentally mentioned. The Three-Week court is understood to have been a court for the recovery of small debts; but it is not even known to what amount its jurisdiction extended. Some memorials of this court, as well as others relating to the corporate affairs in general, were probably in existence some years ago; but about the year 1780 the Court Chamber, in which the Corporation chest was placed, fell down, and all the papers of the Corporation were then lost.

Police.

6. There is an Act for paving, lighting, watching, watering and improving the town of Yeovil. It was passed in 1830. The Corporation are not *ex officio* commissioners. Under this Act the town is lighted, the paving kept up, and watchmen are appointed. The number of the latter is four, two of whom watch alternate nights. The amount raised for the purposes of the Act (the rate being upon houses only) is about 800*l.* a year. There is at the present time a debt of 1,300*l.* or 1,400*l.* Besides these Watchmen, the only peace officers are two ordinary Constables appointed for the borough at the Court Leet.

Revenue.

7. The income of the Corporation is derived chiefly from houses, all of which are in the borough except one. There are two acres of land out of the borough, and the house that has been mentioned is built upon one of them. All the property is let for 99 years, determinable on three lives. The number of leases, and of immediate tenants, is 37; but the dwelling-houses comprehended in these leases amount to more than 60. Some tenements, which are stated in the account books to have belonged to the Corporation in 1736, are now lost, and there are no means of tracing them. It is calculated that the property of the Corporation, improved as it has been, in the hands of the tenants, would now if in hand be worth 1,000*l.* a year, and the fee of it 20,000*l.*

Value of the Property.

Income and Expenditure.

	£.	s.	d.
In 1831,			
The Receipts were, Rents	11	6	1
Fine	40	–	–
	£. 51	6	1
The Expenditure:			
Five Years' Chief Rent, at 4*s.* 4*d.*	1	1	8
Almshouse Women	3	5	6
Portreeve	–	16	–
Cash at the Court Leet on account of Corporation	1	–	–
Repairs and Sundries	3	8	9½
Mr. Treherne's Bill for Supper, &c.	1	4	6
Mr. Treherne's Bill	1	14	6
Paid Mr. Edwin Tomkins's Bill for defraying Mandamus	62	14	–
	£. 75	4	11½
In 1830,			
The Receipts were	11	6	1
Expenditure, viz.			
Portreeve	–	16	–
Almshouse Women	3	5	6
Repairs and Sundries	14	19	4½
Proclamation, Will. IV.	9	11	9
Mr. Treherne's Bill, Expenses, Fly to Wells	3	10	7½
	£. 32	3	3
In 1829,			
The Receipts were	11	6	1
Expenditure, viz.			
Captain Taylor's Expenses to London respecting the Portreeve's right to attest Soldiers' Affidavits	6	–	–
Ordinary Expenses	8	–	6
	£. 14	–	6
In 1828,			
The Receipts were	11	6	1
Expenditure	12	15	–
In 1827,			
The Receipts were	11	6	1
Expenditure, viz.			
Mr. Treherne's Bill for Punch, and Chaise hire to Wells	53	–	3
Expenses, Journey to Wells for qualifying for Office	3	10	6
Paid Fees in Court	–	10	6
Post-boy and Turnpikes	–	11	6
One new Light of Glass, 3 ft. by 2 ft.	–	6	–
Ringers	1	–	–
Singers	–	7	6
Music	1	–	–
Constables	–	5	–
Attending the Sacrament	1	5	–
For Sacramental Certificate	–	5	6
Gave Bailiff and Constables	–	10	–
Almshouse Women	3	5	6
Ordinary Expenses and Repairs	5	6	9½
	£. 71	4	–½
In 1826,			
The Receipts were	16	11	1
Expenditure	42	17	11½

YEOVIL.

The amount of fines upon an average of 15 years to 21 December 1832, may be taken at 60*l.* a year. The income of the corporation will then be as follows:

	£.	s.	d.
Rents, &c.	11	6	1
Average of fines	60	–	–
£.	71	6	1

The fixed permanent expenditure is as follows:

	£.	s.	d.
Chief rent	–	4	4
Portreeve	–	16	–
Almshouse women	3	5	6
£.	4	5	10

In the last 15 years, besides the outgoings on account of repairs, the Corporation have expended, for the benefit of the town, in building a Sunday school for boys, and the same for girls, in all 376*l.* 14*s.* 2*d.*

General State of the Town.

8. The town of Yeovil has been increasing of late years. There is a considerable manufacture of gloves carried on in the place. About 70,000*l.* is calculated to be paid in wages in the glove trade in the course of the year. This branch of trade, though not so flourishing as formerly, is still carried on to a great extent.

Population.

The town itself is not inconsiderable. Out of the 6,000 which may be taken to be the population of the whole parish of Yeovil, 5,000 at least would be the population of the town.

In the census of 1821 the exact amount of the population of the parish was 4,654; in 1831, 5920.

Houses.

In 1831 - Inhabited houses		1,044
Ditto - - building		14
Uninhabited		75
Total houses		1,133

Extension of Jurisdiction.

The inhabitants of the town appear to be desirous for a new separate jurisdiction to be formed, comprehending the whole town or even the parish, and that they should all have the advantage of such a court for the recovery of debts as is supposed once to have existed.

Magistracy.

With regard to Magistracy, there is at the present time no complaint of a want of a proper number of justices living in the neighbourhood of the town. Their petty sessions are held in Yeovil itself, and from two to five justices attend there.

Committals.

The whole number of Committals in the course of the year to the county gaol, for offences arising in Yeovil, and including cases of all descriptions, are not more than 10 or 12.

Edw^d J. Gambier.

The following PAPERS accompany this Report.

1. Return of Names, &c. of Officers of the Municipal Corporation.
2. An Act for paving, lighting, watching and improving the town of Yeovil, and for regulating the police thereof.
3. Accounts of the Commissioners of the Police Act.